

# THE NATIONAL ARCHIVES FEDERAL REGISTER OF THE UNITED STATES 1934

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*Washington, Wednesday, August 11, 1943*

## *The President*

### EXECUTIVE ORDER 9368

**SUSPENSION OF THE EIGHT-HOUR LAW AS TO LABORERS AND MECHANICS EMPLOYED BY THE DEPARTMENT OF THE INTERIOR ON PUBLIC WORKS WITHIN THE TERRITORY OF ALASKA**

By virtue of the authority vested in me by section 1 of the act of August 1, 1892, 27 Stat. 340, as amended by the act of March 3, 1913, 37 Stat. 726 (U. S. C., title 40, sec. 321), and as President of the United States, I hereby extend the provisions of Executive Order 9360 of July 7, 1943, entitled "Suspension of Eight-Hour Law as to Laborers and Mechanics Employed by the Department of the Interior on Public Works Within the United States"; to all work performed by laborers and mechanics employed by the Department of the Interior on any public work within the Territory of Alaska which is designated by the Secretary of the Interior as essential to the prosecution of the war, subject to the conditions and limitations contained in the said Executive order.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,  
August 9, 1943.

[F. R. Doc. 43-12933; Filed, August 9, 1943;  
4:12 p. m.]

## *Regulations*

### TITLE 7—AGRICULTURE

#### Chapter XI—War Food Administration

##### PART 1410—LIVESTOCK AND MEATS

[FDQ 75]

#### SLAUGHTER OF LIVESTOCK AND DELIVERY OF MEAT

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of meat, meat food products, and by-products for de-

fense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1410.15 *Restrictions on the slaughter of livestock and delivery of meat—*  
(a) *Definitions.* When used in this order:

(1) The term "person" means any individual, partnership, association whether incorporated or not, business trust, or corporation, and includes any State or political subdivision or agency thereof, and any foreign government or agency thereof.

(2) The term "Director" means the Director of Food Distribution, War Food Administration.

(3) The term "livestock" means cattle, calves, sheep, lambs, and swine.

(4) The term "federal inspection" means inspection under the provisions of the Act of March 4, 1907 (34 Stat. 1260), as amended, 21 U. S. C. 1940 ed. 71, and as extended by Public Law 602, 77th Cong., 2d Sess., approved June 10, 1942 (56 Stat. 351), and the rules and regulations promulgated thereunder.

(5) The term "farmer" means any person chiefly engaged in producing agricultural products as the resident operator of a farm.

(6) The term "slaughterer" means any person who owns livestock at the time that such livestock is killed for meat production, and includes "Class 1 slaughterer", "Class 2 slaughterer", and "Class 3 slaughterer" as herein defined.

(7) The term "Class 1 slaughterer" means any slaughterer whose establishment is operated under federal inspection.

(8) The term "Class 2 slaughterer" means any slaughterer, other than a Class 3 slaughterer, whose establishment is not operated under federal inspection.

(9) The term "Class 3 slaughterer" means any farmer who slaughters or who is authorized to slaughter livestock for the delivery of meat in an amount not exceeding 10,000 pounds per year live weight.

(Continued on next page)

## CONTENTS

### THE PRESIDENT

EXECUTIVE ORDER:	Page
Alaska; suspension of eight-hour law for laborers and mechanics employed on public works by the Department of the Interior...	11119

### REGULATIONS AND NOTICES

#### ALIEN PROPERTY CUSTODIAN:

Vesting orders:	
Adler, Max.....	11186
Cerutti, Alfred.....	11187
Colainta, Alba.....	11188
Colainta, Joseph.....	11188
Crehn, Herman.....	11188
DeCorleto, Pasquale.....	11189
Doscher, Johanna C.....	11189
Esterle, Gottlob F.....	11189
Garrett, Elizabeth W.....	11190
German American Bund.....	11184
Goetjen, John F., et al. (2 documents).....	11186, 11187
Grawe, Ferdinand.....	11190
Grieco, Francesco.....	11190
Holsken, Anna.....	11191
Iwata Trading Co.....	11185
Kent, Louise D.....	11191
Matsuno, Gisaburo.....	11185
Motoshige Shoten, Ltd.....	11186

#### BITUMINOUS COAL DIVISION:

Hearings, etc.:	
Marion County Coal Mining Corp., Inc.....	11182
Yashez, Frank.....	11183
Minimum price schedules amended:	
District 13.....	11122
District 22.....	11124

#### FEDERAL POWER COMMISSION:

Kansas-Nebraska Natural Gas Co., Inc., et al., hearing.....	11183
---	-------

#### FEDERAL TRADE COMMISSION:

Greening Nursery Co., cease and desist order.....	11122
---	-------

#### OFFICE OF ECONOMIC WARFARE:

Prohibited exportations:	
Fish and seafood.....	11126
Publications.....	11127
Publications, designation of General License "G-PUB" for exporting.....	11127

(Continued on next page)



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### CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION:	Page
Adjustment orders filed, list.....	11192
Adjustments, exceptions, etc.:	
Aller and Sharp, Inc.....	11174
Confections, Inc.....	11174
Gray, Wm. S., and Co.....	11191
Loose-Wiles Biscuit Co.....	11174
Asphalt and asphalt products	
(MPR 323, Am. 6).....	11143
Bituminous coal (MPR 189, Am.	
15).....	11143
Cooperage stock, etc. (MPR 424,	
Am. 1).....	11175
Defense-rental areas (Rent Reg.	
for Hotels and Rooming	
Houses).....	11161
Fats and oils (MPR 53).....	11150
Fish and seafood, frozen (MPR	
364, Am. 3).....	11175
Lumber, Southern hardwood	
(RMPR 97, Am. 7).....	11161
Metal; solder and babbitt con-	
taining silver (Rev. SR 14,	
Am. 15).....	11182
Motor vehicles, used commercial	
(RMPR 341).....	11176
Petroleum and petroleum prod-	
ucts:	
(RPS 88, Am. 120).....	11149
(RPS 88, Am. 121).....	11149
Regional, state and district	
office orders:	
Community ceiling prices, list	
of orders filed.....	11197
Firewood; Connecticut (2	
documents).....	11192
Fluid milk:	
Idaho, Southern area.....	11195
Lafayette, Colo.....	11193
Montana.....	11194
Norwood, Colo.....	11194
Sheridan, Wyo.....	11193
Sterling, Colo.....	11194
Winchester, Idaho.....	11194

### CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—	
Continued.	
Regional, state and district of-	
fice orders—Continued.	Page
Fruit preserves, jams and jel-	
lies; Denver, Colo., region.....	11195
Vegetables; Southern Idaho.....	11192.
Silver, scrap (Rev. SR 14, Am.	
14).....	11174
Solid fuels (RMPR 122, Am. 10).....	11143
Spirits and wines, distilled	
(MPR 445).....	11161
Sugar rationing, establishment	
of zones (RO 3, 8th Rev.	
Zoning Order 1).....	11175
SECURITIES AND EXCHANGE COMMISSION:	
Hearings, etc.:	
Honohan, Herbert L.....	11197
Milwaukee Light, Heat and	
Traction Co. and North	
American Co.....	11198
SELECTIVE SERVICE SYSTEM:	
Civilian employees; appoint-	
ment, tenure and compen-	
sation.....	11126
WAR FOOD ADMINISTRATION:	
Livestock and meat; slaughter	
and delivery (FDO 75).....	11119
Regional areas, designation.....	11198
Regional directors, delegation of	
authority regarding slaugh-	
ter permits and quotas.....	11198
WAR PRODUCTION BOARD:	
Allyl chloride and alcohol (M-	
342).....	11141
Closures, glass container (M-	
104, Am. 1).....	11127
Iron and steel conservation (M-	
126).....	11130
Metal scrap processors (P-	
136).....	11138
Methyl isobutyl ketone (M-	
332).....	11140
Refrigerating and air condition-	
ing machinery and equip-	
ment, industrial and com-	
mercial:	
(L-38, Am. 2).....	11130
(L-38, Int. 1).....	11138
Steel furnished by fabricators	
(CMP Reg. 1, Direction 24).....	11140
Suspension orders:	
Barton Electric Co.....	11129
Hog Island Lumber Co.....	11129
Tennessee Maytag and Furni-	
ture Co.....	11129
Tidmarsh Engineering Co.....	11129

(10) The term "custom slaughter" means the killing of livestock for the owner by any person, other than such owner, for the purpose of meat production.

(11) The term "home consumption" means the consumption of meat by the immediate household of the slaughterer of the livestock from which such meat was derived.

(12) The term "processor" means any person who is regularly engaged in the business of processing, preparing, or treating meat, meat products, or animal fats.

(b) *Restrictions upon slaughter and delivery.* Except as otherwise provided, no person shall, either for himself or for any other person, slaughter any live-

stock for meat production, and no slaughterer shall deliver meat, unless he holds a valid and effective license or permit under the provisions of this order.

(1) Any slaughterer may, without a license or permit, slaughter for home consumption livestock which he has raised on his premises; and

(2) Any farmer may, without a license or permit: slaughter livestock owned by him for home consumption or for consumption, on his premises, by his resident or seasonal employees. Such farmer may, in any calendar year, deliver not over 400 pounds of meat derived from such slaughter: *Provided*, That he first obtains a permit authorizing such delivery.

(c) *Class 1 slaughterers; licenses.* Any Class 1 slaughterer may apply to the Director for a Class 1 license.

(d) *Class 2 slaughterers; licenses.* (1) Any Class 2 slaughterer who, on August 14, 1943, held a valid and effective permit as a butcher under Food Distribution Order No. 27, as amended,<sup>1</sup> and who meets the requirements of this order shall, without application on his part, be issued a Class 2 license.

(2) Any other Class 2 slaughterer may apply to the Director for a Class 2 license.

(e) *Class 3 slaughterers; permits.* Any farmer who, on August 14, 1943, held a valid and effective permit as a farm slaughterer under the provisions of Food Distribution Order No. 27, as amended,<sup>1</sup> shall continue to hold such permit as a permit under, and may slaughter livestock in accordance with the provisions of, this order.

(f) *Custom slaughter.* Any person who, on August 14, 1943, held a valid and effective permit to custom slaughter livestock under the provisions of Food Distribution Order No. 27, as amended,<sup>1</sup> and who meets the requirements of this order shall, without application on his part, be issued a license to custom slaughter livestock.

(g) *Issuance of permits and licenses.* All applications under this order shall be submitted on such forms and contain such information as the Director may require. Upon the receipt of an application properly executed, or upon his own motion in those cases where no application is required, the Director shall issue the appropriate license or permit, unless he has reason to believe that the proposed recipient can not or will not comply with the applicable provisions of this order. Where the Director determines that a license shall not be issued he shall notify the person affected in what respect he fails to meet the requirements of this order, and shall afford an opportunity to submit additional information establishing the right to a license or permit. In such cases, persons referred to in (d) (1) and (f) hereof may operate under existing permits pending final action by the Director.

(h) *Reclassification.* Any person holding a license or permit hereunder may apply to the Director for a change in classification, setting forth the facts in support thereof. Upon a determination by the Director that such person

<sup>1</sup> 8 F.R. 2785, 4227, 5700, 7739, 8705.

should be reclassified, the Director shall issue a new license or permit in the appropriate classification. The Director shall, upon his own motion, reclassify any slaughterer in cases where he determines that such reclassification is necessary to accomplish the purposes of this order.

(i) *Applications by persons becoming slaughterers.* Any person (i) who has acquired slaughtering facilities, or (ii) who owned livestock at the time of slaughter during 1941, may apply to the Director in accordance with the provisions of (g) hereof and may be issued a license or permit in such classification as the Director determines to be proper.

(j) *Quotas; processing regulations; inventories.* (1) All slaughterers, all processors, and all persons who custom slaughter shall comply with orders of the Director or the War Food Administrator regulating the delivery, acceptance of delivery, or the movement or slaughter of livestock, or the delivery of meat, meat products, or animal fats, by the establishment of quotas or otherwise.

(2) All slaughterers, all processors, and all persons who custom slaughter

shall comply with orders of the Director prescribing methods and specifications for preparing, cutting or treating carcasses or parts thereof, or for preparing or processing meat, meat products, or animal fats.

(3) All slaughterers and all processors shall comply with orders of the Director governing the quantity and type of meat, meat products, or animal fats held in storage or inventory; and all other persons dealing in meat (except with respect to their retail operations) shall comply with such orders of the Director: *Provided*, The issuance thereof is approved by the Office of Price Administration. The Director is hereby authorized to amend, suspend, revoke, or supersede Food Distribution Order No. 48, as amended (8 F.R. 4499, 7520).

(k) *Ration points.* All slaughterers who sell or deliver meat shall collect the required number of ration points in accordance with regulations of the Office of Price Administration.

(l) *Support prices; ceiling prices.* All Class 1 and Class 2 slaughterers shall pay not less than the following support prices for swine:

Effective period		Grade	Weight range	Price per cwt.
From	To			
Aug. 15, 1943	Sept. 30, 1944	Good and choice barrows and gilts.....	210-270	\$13.75
Sept. 1, 1943	Mar. 31, 1944	Good and choice barrows and gilts.....	260-210	13.75

<sup>1</sup> Chicago basis.

All Class 1 and Class 2 slaughterers shall pay not more than such maximum prices for swine as may be established by the Office of Price Administration under the Emergency Price Control Act of 1942, as amended.

(m) *Set aside requirements.* All Class 1 and Class 2 slaughterers and all processors under federal inspection shall comply with orders of the Director requiring the setting aside, reserving, holding, processing, and packaging of meat, meat products, and animal fats for delivery to such persons or agencies as the Director may prescribe.

(n) *Meat inspection.* All Class 1 and Class 2 slaughterers shall comply with orders of the Director requiring inspection, by persons designated for that purpose of their premises, plants, livestock, carcasses, meat, meat products, and animal fats, for the purpose of determining whether the meat, meat products, or animal fats produced in such plants are sound, healthful, and fit for human consumption.

(o) *Sanitary facilities; conservation facilities.* All slaughterers and all persons who custom slaughter shall maintain such sanitary and conservation facilities as the Director may prescribe.

(p) *Records and reports.* (1) The Director shall be entitled to obtain such information from and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(2) Every person subject to this order shall, for at least 2 years (or for such

period of time as the Director may designate), maintain an accurate record of his transactions in livestock and meat.

(3) The record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent specific record-keeping or reporting requirements by the Director will be subject to approval by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(q) *Contracts.* The provisions of this order and of all orders or regulations issued pursuant thereto shall be observed without regard to contracts heretofore or hereafter made, or any rights accrued or payments made thereunder.

(r) *Audits and inspections of books and records.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, promises, or stocks of meat of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(s) *Petition for relief from hardship.* Any person affected by this order who considers that compliance therewith will work an exceptional and unreasonable hardship on him may, in writing, apply to the Director for relief, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(t) *Violations.* The Director may, by suspension order, prohibit any person

who violates any provision of this order from receiving, making any deliveries of, or using meat or meat products, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. Upon a determination by the Director that any slaughterer or any person who custom slaughters has, prior to the effective date hereof, violated any provision of Food Distribution Order No. 27, as amended (*supra*), or Food Distribution Order No. 61 (8 F.R. 9103, 9275), or has subsequent to the effective date hereof violated any provision of this order, the Director may suspend or revoke the license or permit of such person. In addition, any person who willfully violates any provision of this order is guilty of a crime, and may be prosecuted under any or all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(u) *Delegation of authority.* The administration of this order, and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any person within the War Food Administration any or all of the authority vested in him by this order.

(v) *Territorial scope.* The provisions of this order shall apply to transactions within the 48 States and the District of Columbia.

(w) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the War Food Administrator, United States Department of Agriculture, Washington 25, D. C., Ref: FD-75.

(x) *Food Distribution Orders No. 20, 27, as amended, 28, and 61 superseded.* This order supersedes in all respects Food Distribution Order No. 20 (8 F.R. 1913), Food Distribution Order No. 27, as amended (*supra*), Food Distribution Order No. 28 (8 F.R. 2787), and Food Distribution Order No. 61 (*supra*), except that, as to violations of said orders or liabilities incurred thereunder, said orders shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation or liability.

(y) *Effective date.* This order shall be effective at 12:01 a. m., e. w. t., August 15, 1943: *Provided, however*, That persons who, on or prior to September 1, 1943, have filed applications for licenses under this order may, from the date when such applications are postmarked until such time as they are acted upon, continue to operate under permits, registrations, quotas, and quota bases in effect for such persons on August 14, 1943; and persons who, under the provisions of this order are not required to apply for licenses, may continue to

operate under permits, registrations, quotas, and quota bases in effect for such persons on August 14, 1943, until such time as they receive licenses under this order or are notified by the Director that such licenses will not be issued to them.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 9th day of August 1943.

MARVIN JONES,  
War Food Administrator.

[F. R. Doc. 43-12973; Filed, August 10, 1943;  
11:13 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket No. 3673]

#### PART 3—DIGEST OF CEASE AND DESIST ORDERS

##### GREENING NURSERY COMPANY

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Unique status or advantages:* § 3.6 (f) 10) *Advertising falsely or misleadingly—Unique nature or advantages:* § 3.80 (b) *Securing agents or representatives falsely or misleadingly—Demand or business opportunities.* In connection with offer, etc., in commerce, of fruit trees and other nursery products, representing, directly or by implication, (1) that the respondent is the only nursery which uses the bud selection method of grafting in the propagation of fruit trees; (2) that fruit trees propagated by the bud selection method of grafting can only be procured from the respondent or its salesmen; and (3) that the bud selection method of grafting is an exclusive feature of respondent's nursery stock; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec 45b) [Cease and desist order issued pursuant to modified findings as to the facts, Greening Nursery Company, Docket 3673, August 3, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3d day of August, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon request of the attorney for the respondent to modify the findings as to the facts issued on March 10, 1943; and the Commission having duly considered said request and the record herein and having issued its order modifying the findings as to the facts issued on March 10, 1943, and having issued its modified findings as to the facts and conclusion pursuant to said order:

*It is ordered,* That the respondent, Greening Nursery Company, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution of fruit trees and other nursery products in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication that the respondent is the only nursery which uses the bud-selection method of grafting in the propagation of fruit trees.

2. Representing directly or by implication that fruit trees propagated by the bud-selection method of grafting can only be procured from the respondent or its salesmen.

3. Representing either directly or by implication that the bud-selection method of grafting is an exclusive feature of respondent's nursery stock.

*It is further ordered,* That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order. By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 43-12972; Filed, August 10, 1943;  
11:02 a. m.]

## TITLE 30—MINERAL RESOURCES

### Chapter III—Bituminous Coal Division

[Docket No. A-2071]

#### PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

##### ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 13, for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 13.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District 13; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

*It is ordered,* That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 333.6 (*General prices*) is amended by adding thereto Supplement R-I, § 333.7 (*Special prices—(a) Prices for shipment to all railroads and for exclusive use of railroads*) is amended by adding thereto Supplement R-II, § 333.7 (*Special prices—(c) Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*) is amended by adding thereto Supplement R-III, § 333.24 (*General prices*) is amended by adding thereto Supplement R-IV, § 333.25 (*Special prices—(b) Prices for shipment to all railroads for locomotive fuel, station heating, power plants and other uses*) is amended by adding thereto Supplement R-V, § 333.27 (*Prices for shipment by river (free alongside) for all uses (except for railway locomotive fuel) for delivery via the Tennessee River to f. a. s. consumers in the States of Tennessee and Alabama*) is amended by adding thereto Supplement R-VI, § 333.34 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T-I, and § 333.43 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T-II, which supplements are hereinafter set forth and hereby made a part hereof.

*It is further ordered,* That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division on or before August 7, 1943, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

*It is further ordered,* That the relief herein granted shall become final on August 10, 1943, unless it shall otherwise be ordered.

Minimum prices were proposed by petitioner for Williams, L. J., Sunlight Mine, Mine Index No. 1784. This mine was priced identically in all size groups in Docket No. A-2027 and has been deleted from the attached schedule marked Supplement T.

The Alexander, Tom J., Deep Creek No. 1 Mine, Mine Index No. 1788, is shown in the petition as being served by the "Southern Ry." The railroad serving this mine is the Cincinnati, New Orleans & Texas Pacific (C. N. O. & T. P.) and so appears in the attached schedule marked Supplement R-IV.

Dated: July 31, 1943.

[SEAL]

DAN H. WHEELER,  
Director.



**TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 13**  
**NOTE:** The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

**FOR ALL SHIPMENTS EXCEPT TRUCK**

**§ 333.6 General prices—Supplement R-I**

(Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing)

Mine index No.	Code member	Mine	Sub-dis-trict	Seam	Freight origin group
1456	Norris, Martin.....	Kelly #1.....	1	Black Creek.....	101
1763	Fletcher, O. S.....	Fletcher.....	1	Jaggar.....	101
1763	Guthrie, O. B.....	Wideman #3.....	1	Black Creek.....	101

<sup>1</sup> Shipping point: Eldridge, Ala. Railroad: St. L.-S. F. Donkeys change in shipping point. Shipping point at Glen Allen, Ala., shall no longer be applicable.

<sup>2</sup> Shipping point: Carbon Hill, Ala. Railroad: St. L.-S. F. This mine shall have in Size Groups 1, 2, 7, 13, 19, 22 and 23, on each respective price table, the same prices as are listed thereon for Mine Index No. 1535 (Kelley & Lenard (Lee Kelley), Kelley & Lenard mine, Price Schedule No. 2), and will be included in Group No. 181.

<sup>3</sup> Shipping point: Carbon Hill, Ala. Railroad: St. L.-S. F. This mine shall have in Size Groups 1, 2, 4, 7, 13, 19, 20, 21, 22, and 23, on each respective price table, the same prices as are listed thereon for Mine Index No. 1359 (Guthrie, O. B., Wideman #1 mine, Price Schedule No. 2), and will be included in Group No. 91.

**§ 333.7 Special prices—(a) Prices for shipment to all railroads and for exclusive use of railroads—Supplement R-II**

(The following prices apply on coal for use in railroad locomotives and powerhouse plants. For station heating, use in dining cars, or other uses than stated above, commercial prices as listed in other sections of this price schedule shall apply. For all mines in subdistrict No. 1. For all areas customarily furnished railroads for locomotive fuel.)

Mine index No.	Central Georgia Ry.	St. Louis & San Francisco Ry. (for coal shipment west of the Mississippi River)	St. Louis & San Francisco Ry. (for coal shipment east of the Mississippi River)	A. B. & C. Railroad	All other railroads not officially shown
1763-1763.....	230	230	230	230	230

<sup>1</sup> Prices listed for Central of Georgia and Seaboard Air Line Railways shall also apply to controlled subsidiaries where purchases of coal are directly made by the controlling system.

**§ 333.7 Special prices—(c) Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel—Supplement R-III**

(Subject to price instructions and exceptions)  
 (See groups and prices applicable for steamship vessel fuel)

Mine index No. (Sub-district No. 3)	Mine group	14, 15, 16, 17, 18	19	23
1763	Black Creek.....	310	305	305

**§ 333.24 General prices—Supplement R-IV**

(Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing)

Mine index No.	Code member	Mine	Sub-dis-trict	Seam	Freight origin group
1768	Alexander, Tom J.....	Deep Creek #1.....	3	Soddy #10.....	200
1700	Gilliam, E. S.....	E. S. Gilliam #3.....	3	Sewanee.....	159
1702	Lloyd, Walter, Coal Co., Inc.....	Sewanee.....	3	Sewanee.....	200

<sup>1</sup> Shipping point: Rathburn, Tenn. Railroad: O. N. O. & T. P. On each respective price table, this mine shall have in each size group the same respective prices as are shown for mines included in Group No. 7.

<sup>2</sup> Shipping point: Sequatchie, Tenn. Railroad: N. O. & St. L. On each respective price table, this mine shall have in each size group the same respective prices as are shown for mines included in Group No. 9.

<sup>3</sup> Shipping point: Dayton, Tenn. Railroad: O. N. O. & T. P. On each respective price table, this mine shall have in each size group the same respective prices as are shown for mines included in Group No. 6.

**§ 333.25 Special prices—(b) Prices for shipment to all railroads for locomotive fuel, station heating, power plants and other uses—Supplement R-V**

For mine in sub-district No. 3 (mine index No.)	Size	Price
1769.....	For all sizes except screenings—Screenings with top size not more than 2".....	235 215
17-8, 1762.....	For all sizes except screenings—Screenings with top size not more than 2".....	230 215

## FREE ALONGSIDE DELIVERIES

§ 333.27 Prices for shipment by river (free alongside) for all uses (except for railway locomotive fuel) for delivery via the Tennessee River f. a. s. consumers in the States of Tennessee and Alabama—Supplement R-VI

Code member index	Mine	Mine Index No.	County	Seam	Lump: over 2" egg: top size over 6" and under		Lump: 2" and under	Nut: top size 2" and under, bot. size 1" and under		Socker: top size 1 1/2" and under, bot. size 1 1/2" and under	Socker: top size 3/4" and under, bot. size 3/4" and under	Straight and mod- ified M/R	Resultants: 5" and under	Resultants: 4" and under	Screenings: 2" and under	Screenings: 1 1/2" and under	Screenings: 1 1/4" and under	Screenings: 3/4" and under	Screenings: 3/8" and under	Industrial coal
					1	2		3	4											
TENNESSEE-GEORGIA (Subdistrict 5)																				
Alexander, Tom J.....	Deep Creek #1.....	1788	Hamilton.....	Soddy #10.....	335	335	325	280	270	250	255	255	255	255	235	235	225	220	185	230
Campbell, James M.....	Brown Hollow.....	1789	Marion.....	Sewanee.....	345	345	335	290	280	275	265	265	265	265	235	235	230	230	195	290
Gilliam, E. S.....	E. S. Gilliam #3.....	1790	Marion.....	Sewanee.....	345	345	335	290	280	275	265	265	265	265	235	235	230	230	195	290
Lloyd, Walter, Coal Co.	Sewanee.....	1792	Rhea.....	Sewanee.....	345	345	335	290	280	275	265	265	265	265	235	235	230	230	195	290

## FOR TRUCK SHIPMENTS

§ 333.34 General prices in cents per net ton for shipment into all market areas—Supplement T-I

Code member index	Mine	Mine Index No.	Subdistrict	Seam	Lump: over 2', egg: top size over 6'	Egg: top size 6' and under	Lump: 2' and under	Nut: top size 3" and under bot. size over 1½"		Chestnut: top size 3" and under, bot. size 1½" and under		Chestnut: top size 1½" and under, bot. size ¾"		Run of mine, modified R/M—Raw	Resultants: 3" and under		Screenings 1½" and under		Industrial coal
								Wash	Raw	Wash	Raw	Wash	Raw		Wash	Raw	Wash	Raw	
					1	2	3	6	7	8	9	10	11	13	17	22	18	23	24, 25, 26
ALABAMA																			
JEFFERSON COUNTY, ALA.																			
Reed, John.....	Reed.....	1787	2	Mary Lee.....	305	305	305	325	305	310	290	300	280	255	265	230	260	210	255
WALKER COUNTY, ALA.																			
Fletcher, O. S.....	Fletcher.....	1783	2	Jagger.....	310	310	305	325	305	300	280	300	280	260	265	230	260	210	260
Fletcher & Myers (O. S. Fletcher).	Fletcher & Myers.....	1785	2	Black Creek.....	415	415	390	365	345	345	335	340	330	320	305	295	295	255	320

§ 333.43 General prices in cents per net ton for shipment into all market areas—Supplement T-II

Code member index	Mine	Mine Index No.	Subdistrict	Seam	Lump: Over 2", Eggs: Top size over 6"		Lump: 2" and under	Nut: Top size 2" and under bot. size 1" and under	Stoker: Top size 1½" and under bot size 1½" and under	Stoker: Top size ¾" and under bot. size ¾" and under	Straight and modified M/R	Resultants: 8" and under	Resultants: 4" and under	Screenings: 2" and under	Screenings: 1½" and under	Screenings: 1¼" and under	Screenings: ¾" and under	Screenings: ⅝" and under	Industrial coal
					1.	2													
TENNESSEE-GEORGIA																			
HAMILTON COUNTY, TENN.																			
Alexander, Tom J.....	Deep Creek #1.....	1788	4	Soddy #10.....	335	335	325	280	270	250	255	255	255	235	235	225	220	185	230
MARION COUNTY, TENN.																			
Campbell, James M.....	Brown Hollow.....	1789	4	Sewanee.....	345	345	335	290	280	275	265	265	265	235	235	235	230	195	290
Gilliam, E. S.....	E. S. Gilliam #3.....	1790	4	Sewanee.....	345	345	335	290	280	275	265	265	265	235	235	235	230	195	290
RHEA COUNTY, TENN.																			
Lloyd, Walter, Coal Co.....	Sewanee.....	1792	4	Sewanee.....	345	345	335	290	280	275	265	265	265	235	235	235	230	195	290

[F. R. Doc. 43-12910; Filed, August 9, 1943; 12:07 p. m.]

[Dockets Nos. A-1959 and A-2000, Part II]  
PART 342—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 22

MEMORANDUM OPINION AND ORDER OF  
CONSOLIDATION

Memorandum opinion and order of consolidation granting petition to amend petition, amending petition, terminating

temporary relief heretofore granted and granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 22 for the establishment of additional price classification and minimum prices for certain coals produced in Subdistricts 1 and 2 in District No. 22 in the matter of the petition of District

Board No. 22 for the establishment of a price classification and minimum prices for nut coals, 3" x 1½" in size, of the Smith No. 2 Vein Mine.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was duly filed with the Division by the above-named party, requesting the establishment, both temporary and

permanent, of a price classification and minimum prices for 3" x 1 1/2" nut coal to be designated as Size Group 6-A, produced by code members in Subdistricts 1 and 2 in District No. 22 for shipment by rail to destinations in certain specified market areas. A separate petition requesting, among other things, the same relief was filed for the coals produced from the Smith No. 2 Vein Mine, Mine Index No. 310.

On April 30, 1943, a memorandum opinion and order granting temporary relief was issued in Docket No. A-1959 wherein it was found that the original petition did not contain facts sufficient to warrant the temporary or permanent establishment of a new size group to be designated as Size Group 6-A, as requested by petitioner, without a hearing; that the minimum prices proposed by petitioner for the 3" x 1 1/2" nut coal produced in Subdistrict 2 for shipment by rail did not appear to maintain a proper differential with respect to the minimum prices previously established for Size Group 7 coals produced in Subdistrict 2 for rail shipments. Accordingly, pending a hearing and the final disposition of the original petition in Docket No. A-1959, temporary relief was granted except that no new size group was established and temporary minimum prices which were lower than those proposed in the original petition, were established for Size Group 6, which would include 3" x 1 1/2" nut coals, produced in Subdistrict 2.

On June 4, 1943, the Bituminous Coal Consumers' Counsel filed with the Division a Petition of Intervention and Motion to Modify Temporary Relief in Docket No. A-1959 which was denied by order dated June 29, 1943, which order scheduled a hearing in the matter. The hearing was cancelled by order dated July 8, 1943.

A petition was filed by the petitioner with this Division on July 21, 1943, requesting that the original petition be amended by deleting therefrom the request for relief as set forth above and proposing in lieu thereof the establishment of temporary and permanent price classifications for nut coal, 3" x 2", Size Group 6, for shipment by rail into all market areas. Petitioner also requests the establishment, both temporary and permanent, of minimum prices for egg coal, 6" x 3", Size Group 4, for shipment by rail into all market areas which results in a coal with a top size of 3" (Size Group 6).

It is further stated that the establishment of the requested minimum prices will provide necessary relief to producers in Subdistricts 1 and 2 of District No. 22 and will remove the objections set forth in the aforesaid petition of intervention filed by the Bituminous Coal Consumers' Counsel.

The minimum prices proposed by petitioner for 6" x 3" nut coal, Size Group 4, for shipment by rail into all market areas are uniformly 10 cents per ton higher than the effective minimum prices for 6" x 2" coal, Size Group 5, and the minimum prices proposed by petitioner for 3" x 2" egg coal, Size Group 6, for

shipment by rail into all market areas, except Market Area 243, are predicated upon a differential of 10 cents per ton higher than the effective minimum prices for 2" x 1 1/4" coal, Size Group 7. Since no minimum prices have heretofore been established for shipment by rail into Market Area 243 for Size Group 7 coal produced in Subdistricts 1 and 2 in District No. 22, no relief is granted herein with respect to Size Group 6 coals for shipment by rail into Market Area 243.

Upon the basis of the foregoing facts and statements, the Director is of the opinion that good cause has been shown for the granting of said petition to amend and that said petition to amend should be granted as hereinafter set forth.

By letter dated July 19, 1943, and received by the Division on July 23, 1943, petitioner requests that the same price classifications and minimum prices proposed in the aforesaid petition to amend filed in Docket No. A-1959 for nut coal, 3" x 2", Size Group 6, and for egg coal, 6" x 3", Size Group 4, produced by code members in Subdistricts 1 and 2 in District No. 22, be established for the Smith No. 2 Vein Mine, Mine Index No. 310, located in Subdistrict 2 in District No. 22.

On June 4, 1943, a Memorandum Opinion and Order severing Docket No. A-2000, Part II, from Docket No. A-2000 and Granting Temporary Relief in Docket No. A-2000, Part II, was issued wherein it was found that pending a hearing and further order in Docket No. A-1959, no permanent relief should be granted with respect to coals 3" x 1 1/2" in size produced at the Smith No. 2 Vein Mine, but that the same temporary price classification and minimum prices established by the order in Docket No. A-1959 on April 30, 1943, for this size of coal produced at other mines in Subdistrict 2 should also be established for this mine.

It appears that a reasonable showing of necessity has been made for the granting of relief in the manner hereinafter set forth; that no petitions of intervention and no motions in objection to the granting of said petition to amend filed on July 21, 1943 in Docket No. A-1959 have been filed with the Division; that the petitions filed in Dockets Nos. A-1959 and A-2000, Part II, should be consolidated; and that the following action is necessary to effectuate the purposes of the Act.

Now, therefore, it is ordered, That the above-named matters be, and the same hereby are, consolidated.

It is further ordered, That the prayer of the said petition to amend be, and the same hereby is, granted.

It is further ordered, That the temporary relief heretofore granted in the orders issued in Docket No. A-1959 on April 30, 1943 and in Docket No. A-2000, Part II on June 4, 1943, be, and the same hereby are, terminated.

It is further ordered, That pending further order temporary relief is granted as follows: Commencing forthwith § 342.5 (General prices; minimum prices for shipment via rail transportation) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the petitions filed in the above-entitled matters and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division on or before August 7, 1943, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final August 10, 1943, unless it shall otherwise be ordered.

Dated: August 2, 1943.

[SEAL]

DAN H. WHEELER,  
Director.

#### DISTRICT NO. 22

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 342, Minimum Price Schedule for District No. 22 and supplements thereto.

#### RAIL TRANSPORTATION

§ 342.5 General prices; minimum prices for shipment via rail transportation—Supplement R

The following price classification and minimum prices shall be inserted in Price Schedule No. 1 for District No. 22. Insert under subdistricts Nos. 1 and 2 the following minimum f. o. b. mine prices in cents per net ton for shipment via rail transportation into market areas shown:

Market areas	Size groups	
	(6" x 3") 4	(3" x 2") 6
<b>SUBDISTRICT NO. 1—ROUNDUP</b>		
45 and 46	325	275
47-50, 52-53, 76, and 77	315	265
239-242	240	220
243	320	250
244-247	335	285
248	240	230
249 and 251	310	250
252 (Idaho) and 253	320	250
257 (Washington), 258, 259, and 247-254	240	210
243	240	210
All other market areas*	450	370
<b>SUBDISTRICT NO. 2—RED LODGE</b>		
45 and 46	325	270
47-50, 52-53, 76 and 77	315	260
239-242	240	220
243	320	255
244-247	335	280
248	240	225
249	240	225
251 and 252	315	235
257 (Idaho) and 259	320	235
257 (Washington), 258, 259 and 247-254	240	225
243	240	225
All Other Market Areas*	375	275

\* Prices for rail shipment shown in the foregoing price tables for "All Other Market Areas" shall be increased or decreased in cents per net ton as follows:

To market areas  
1-21, 100-102, 105-112, Plus 5 cents per net ton.  
118, 123-123, 131, ton.  
133-137 and 133-141.  
22-31, 70, 72, 74, 103, Minus 5 cents per net ton.  
104, 114-116, 151- ton.  
157 and 203-212.  
32-41, 69, 71, 73, 75, 78 Minus 10 cents per net ton.  
and 216.  
42-44, 213, 214, 217-232, No adjustment.  
236 and 244-246.

113, 117, 120-124, 130, Plus 15 cents per net  
132, 142, 143, 145-148 ton.  
and 150.  
242----- Plus 10 cents per net  
ton.

[F. R. Doc. 43-12909; Filed, August 9, 1943;  
12:07 p. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter VI—Selective Service System

#### PART 604—CIVILIAN EMPLOYEES

[Amdt. 169, 2d Ed.]

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

##### 1. Amend § 604.1 to read as follows:

§ 604.1 *Appointment and tenure.* (a) All employees engaged in the administration of the selective service law who receive compensation from the United States, including temporary, intermittent, and part-time employees, shall be employed or separated from employment in accordance with the provisions of the Federal civil service laws, the rules and regulations of the United States Civil Service Commission, and in accordance with instructions given and limitations imposed by the Director of Selective Service.

(b) Several statutory provisions prohibit or restrict the receipt of dual compensation from the United States. No person receiving salary or compensation from the United States Government shall be appointed to the Selective Service System without the eligibility of such person to receive dual compensation being first ascertained.

(c) When the appointing authority, the State Director of Selective Service, or the Director of Selective Service finds the employment in any position to be unnecessary, it shall be his duty to order the abolition of such position.

(d) Appointments of employees of local boards and boards of appeal and of any group of a board of appeal shall be subject to confirmation by the State Director of Selective Service.

##### 2. Amend the regulations by deleting § 604.2 in its entirety.

##### 3. Amend § 604.11 to read as follows:

§ 604.11 *Fixing compensation.* (a) The classification grades and salary rates prescribed by the Classification Act of 1923, as amended, shall apply to all employees receiving compensation from the United States, except the following:

- (1) Local board employees.
- (2) Persons appointed by the President.
- (3) Persons appointed as State Directors of Selective Service.

(b) Salary rates of employees of local boards shall be established by the State Director of Selective Service in accordance with instructions given and limitations imposed by the Director of Selective Service.

(c) Salary rates of employees appointed by the President and of persons appointed as State Directors of Selective Service will be fixed by the appointing authority.

(d) When the appointing authority, the State Director of Selective Service, or the Director of Selective Service finds the classification grade or salary rate of any position to be excessive, it shall be his duty to order the reduction of the classification grade or of the salary rate.

##### 4. Amend the regulations by deleting § 604.12 in its entirety.

##### 5. Amend § 604.21 to read as follows:

§ 604.21 *Appointment and tenure.* (a) Each local board by majority vote may select and the chairman shall appoint in the manner provided by these regulations and in accordance with instructions given and limitations imposed by the Director of Selective Service local board employees in the number authorized by the State Director of Selective Service at rates of compensation not exceeding those fixed by the State Director of Selective Service.

(b) Each local board shall by a majority vote designate one of its employees as the clerk of the local board.

(c) The local board shall not employ or continue in employment any person related to any member of the board as close as or closer by blood or marriage than a first cousin.

(d) The State Director of Selective Service or the Director of Selective Service, when he deems it to be in the best interests of the Selective Service System, may authorize the joint employment of an individual by two or more local boards.

##### 6. Amend § 604.31 to read as follows:

§ 604.31 *Appointment and tenure.* Each board of appeal or group thereof by majority vote may select and the chairman of such board of appeal or group thereof shall appoint in the manner provided by these regulations and in accordance with instructions given and limitations imposed by the Director of Selective Service employees of the board of appeal or group thereof in the number authorized by the State Director of Selective Service at rates of compensation not exceeding those fixed by the State Director of Selective Service.

##### 7. Amend § 604.41 to read as follows:

§ 604.41 *Appointment and tenure.* Subject to instructions given and limitations imposed by the Director of Selective Service, and upon recommendation of the chairman of the medical advisory board, the State Director of Selective Service may appoint an employee for such medical advisory board.

##### 8. Amend § 604.51 to read as follows:

§ 604.51 *Appointment and tenure.* Subject to instructions given and limitations imposed by the Director of Selective Service, the State Director of Selective

Service shall appoint employees for his State Headquarters for Selective Service.

##### 9. Amend the regulations by deleting § 604.71 in its entirety.

##### 10. Amend the regulations by deleting § 604.72 in its entirety.

##### 11. Amend the regulations by deleting § 604.73 in its entirety.

##### 12. Amend the regulations by deleting § 604.74 in its entirety.

##### 13. Amend the regulations by deleting § 604.75 in its entirety.

14. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,  
Director.

AUGUST 9, 1943.

[F. R. Doc. 43-12934; Filed, August 9, 1943;  
4:10 p. m.]

## Chapter VIII—Office of Economic Warfare

### Subchapter B—Export Control

[Amdt. 87]

#### PART 801—GENERAL REGULATIONS

##### PROHIBITED EXPORTATIONS; FISH AND SEAFOOD

Section 801.2 *Prohibited exportations* is hereby amended in the following particulars:

In the column headed "Shipping Priority Rating" the shipping priority rating assigned to the commodities listed below, at every place where said commodities appear in said section, is hereby deleted and in the column headed "General License Group" the group designation assigned to the commodities listed below, at every place where said commodities appear in said section, is hereby amended to read as follows:

Commodity	Department of Commerce No.	General license group
Fresh fish; Salmon.....	0070. 00	None
Oysters, fresh in the shell.....	0072. 00	None
Oysters, fresh, shucked, frozen, or in ice.....	0073. 00	None
Shrimp, fresh, frozen, or in ice.....	0074. 00	None
Shrimp, dried.....	0075. 00	None
Fish, salted, pickled, or dry-cured:		
Salmon.....	0077. 00	None
Cod, haddock, hake, pollock, cusk.....	0078. 00	None
Herring.....	0079. 01	None
Sardines.....	0079. 03	None
Other fish, salted, pickled or dry-cured.....	0079. 98	None
Fresh lobsters.....	0080. 03	None
Fresh crabs.....	0080. 05	None
Fresh clams.....	0080. 07	None
Other fish and fish products n. e. s.....	0080. 98	None

Shipments of the above commodities which are on dock, on lighter, laden aboard the exporting carrier, or in transit to a port of exit pursuant to an actual order for export prior to the effective date of this amendment, may be exported under the previous general license provisions. Shipments moving to a vessel subsequent to the effective date of this amendment pursuant to Office of Defense Transportation permits issued prior to such date may also be exported under the previous general license provisions.

This amendment shall become effective August 15, 1943.

(Sec. 6, 54 Stat. 714; Public Law 75, 77th Cong.; Public Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 47, 8 F.R. 8529; Executive Order No. 9361, 8 F.R. 9861 and Order No. 1, 8 F.R. 9938)

Dated: August 7, 1943.

C. VICTOR BARRY,  
Chief of Office,  
Office of Exports.

[F. R. Doc. 43-12913; Filed, August 9, 1943;  
2:27 p. m.]

[Amdt. 88]

#### PART 801—GENERAL REGULATIONS

##### PROHIBITED EXPORTATIONS; PUBLICATIONS

Section 801.2 *Prohibited exportations* is hereby amended in the following particulars:

In the column headed "Commodity" the words "(The following are in Group K unless classified as Technical Data)" which appear immediately after the words "Books, maps, pictures, and other printed matter:" are hereby deleted, and in the column headed "General License Group" the group and country designations assigned to the commodities listed below, at every place where said commodities appear in said section, are amended to read as follows:

Commodity	Department of Commerce No.	General license group
Books, bound, other.....	9512.00	None
Books, text, bound educational.....	9510.00	None
Books, unbound in sheets.....	9514.00	None
Calendars, printed or unprinted.....	9560.00	None
Catalogs and pamphlets.....	9516.00	None
Currency, bank notes and uncanceled postage and revenue stamps.....	9569.93	None
Lithographically printed matter.....	9553.00	None
Maps and charts, geographic.....	9522.00	None
Newspapers, current (report over-issued and old newspapers in 4722.03, 4722.05, or 4722.93).....	9553.00	None
Periodicals.....	9555.00	None
Photographs and blueprints, n. e. s. ....	9550.93	None
Other printed matter, n. e. s. ....	9569.93	None

(Sec. 6, 54 Stat. 714; Public Law 75, 77th Cong.; Public Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 47, 8 F.R. 8529; Executive Order No. 9361, 8 F.R. 9861 and Order No. 1, 8 F.R. 9938)

Dated: August 7, 1943.

C. VICTOR BARRY,  
Chief of Office,  
Office of Exports.

[F. R. Doc. 43-12914; Filed, August 9, 1943;  
2:27 p. m.]

[Amdt. 89]

#### PART 802—GENERAL LICENSES

##### EXPORTATION OF PUBLICATIONS

Part 802 *General licenses* is hereby amended by adding thereto § 802.21 *General licenses "G-PUB"* as follows:

No. 158—2

§ 802.21 *General license "G-PUB"*. (a) When used in this section publications classified under the following Department of Commerce Schedule B numbers which do not contain technical data as defined in § 806.1 of this subchapter:

Commodities	Department of Commerce No.
Books, bound, other.....	9512.00
Books, text, bound educational.....	9510.00
Books, unbound in sheets.....	9514.00
Calendars, printed or unprinted.....	9560.00
Catalogs and pamphlets.....	9516.00
Lithographically printed matter.....	9563.00
Maps and charts, geographic.....	9522.00
Newspapers, current (report over-issued and old newspapers in 4722.03, 4722.05, or 4722.93).....	9553.00
Periodicals.....	9555.00
Photographs and blueprints, n. e. s. ....	9550.93
Other printed matter, n. e. s. (including, but not by way of limitation, currency, bank notes and uncanceled postage and revenue stamps.....	9569.93

(b) A general license designated "G-PUB" is hereby granted authorizing the exportation of publications to all destinations assigned general license numbers except those destinations designated Country Group M.

(c) The general license designation is not required to be shown on the envelope or package containing publications for export under this general license.

(Sec. 6, 54 Stat. 714; Public Law 75, 77th Cong.; Public Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 47, 8 F.R. 8529; Executive Order No. 9361, 8 F.R. 9861 and Order No. 1, 8 F.R. 9938)

Dated: August 7, 1943.

C. VICTOR BARRY,  
Chief of Office,  
Office of Exports.

[F. R. Doc. 43-12915; Filed, August 9, 1943;  
2:27 p. m.]

#### Chapter IX—War Production Board

##### Subchapter B—Executive Vice Chairman

**AUTHORITY:** Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 8024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R.

2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 55 Stat. 176.

#### PART 3270—CONTAINERS<sup>1</sup>

[Conservation Order M-104, as Amended May 17, 1943, Amdt. 1]

##### CLOSURES FOR GLASS CONTAINERS

Section 3270.37<sup>1</sup> *Conservation Order M-104* is hereby amended as follows:

a. Paragraph (a) is to be amended by deleting subparagraph (7) defining rubber, and by renumbering subparagraphs (8) and (9) to read (7) and (8), respectively.

b. Paragraph (b) is to be amended as follows:

1. Delete the word "rubber" in subparagraph (1) line 4.

2. Delete the words "or rubber" in subparagraph (2) line 2 and insert the word "or" before the word "waste."

3. Delete the words "or rubber" in subparagraph (3) line 2 and insert the word "or" before the word "wire."

4. Subparagraph (4) is to be replaced by the following:

No person shall use any tinplate,terneplate, or blackplate, except "rejects" "frozen blackplate" or "electrolytic waste-waste", heavier than 90 pounds per base box, for the manufacture of crown caps.

5. Delete the words "on and after May 17, 1943" in subparagraph (5) line 4.

6. Delete the words "after May 1, 1943" in subparagraph (6).

c. Paragraph (c) is to be amended by deleting the words "or rubber" in lines 8 and 9, and inserting the word "or" before the word "blackplate" in line 8.

d. Exhibit A is to be amended by deleting the words "or rubber" in line 6 and inserting the word "or" before the word "waste."

e. Schedule I is to be amended as follows:

1. Delete the words "the year 1943" in paragraph (A) line 5 and insert in their place "any calendar year."

2. Delete the numbers "1943" in paragraph (D) line 2 and substitute the words "Calendar year."

3. The column heading entitled "1943 packing quota" is to be changed to read "Calendar Year Packing Quota", and the column entitled "Rubber" is to be deleted.

4. Add the following Item 27-a after item 27:

Products	Calendar year packing quota	Closure material indicated by X	
		Tinplate	Blackplate
27-a. Mixed Fruits—consisting of any combination of fruits listed in this Schedule I (with or without grapes) provided the combination by drained weight shall consist of not less than 65 percent nor more than 65 percent Diced Peaches, and less than 35 percent nor more than 45 percent Diced Pears or a combination of not less than 69 percent nor more than 69 percent Diced Peaches and not less than 30 percent nor more than 49 percent Diced Pears with not less than 6 percent nor more than 10 percent Grapes. Such peaches or pears shall be peeled, pitted, or cored, and diced to a size such that no more than 20 percent of the units will pass through a 5/16" standard sieve, and no more than 20 percent of the units will have a greater edge dimension than 3/8", and so as to leave not more than 1 square inch of peel per pound of product on a drained weight basis. Not more than 10 percent of the grapes shall be cracked or crushed or have attached cap stems. No fruit may be packed under this item until the packer has packed and set aside his full quota for that fruit as established pursuant to Food Distribution Order No. 22 and orders supplementary thereto.	Unlimited	X	

<sup>1</sup> Formerly Part 1128, § 1128.1.





## PART 1010—SUSPENSION ORDERS

[Suspension Order S-384]

## TENNESSEE MAYTAG AND FURNITURE CO.

Tennessee Maytag and Furniture Company, a corporation, of Nashville, Tennessee, is engaged in the retail furniture business. Subsequent to January 18, 1943, said corporation sold and delivered new metal heating equipment, as defined in Limitation Order L-79, on orders which bore no preference ratings, or concerning which signed statements from the purchasers, as required by said order, had not been furnished. At the time of these sales the Tennessee Maytag and Furniture Company had knowledge of the provisions of Limitation Order L-79, and these sales constituted wilful violations of that order.

These violations of Limitation Order L-79 have hampered and impeded the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing: *It is hereby ordered, That:*

## § 1010.384 Suspension Order No. S-384.

(a) Tennessee Maytag Furniture Company, its successors or assigns, shall not, directly or indirectly, purchase, accept deliveries of, sell, deliver, or otherwise deal in, new metal heating equipment, as defined in Limitation Order L-79, except as specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Tennessee Maytag Furniture Company, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on August 10, 1943, and shall expire on November 10, 1943.

Issued this 3d day of August 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-12981; Filed, August 10, 1943;  
11:45 a. m.]

## PART 1010—SUSPENSION ORDERS

[Suspension Order S-387]

## HOG ISLAND LUMBER CO.

The Hog Island Lumber Company, 2908 South 84th Street, Philadelphia, Pennsylvania, is a partnership composed of Samuel Cohen and David Cohen and is engaged in the retail lumber business. Subsequent to August 21, 1942, they sold and delivered soft wood lumber of a kind and grade defined in Conservation Order M-208 in the exact amount necessary for the construction or assembling of a bungalow knowing that it was to be used for that purpose, without authorization from the War Production Board. This act constituted a violation of Conservation Order M-208.

Between October 8, 1942, and January 13, 1943, respondents purchased lumber

on orders bearing no preference rating in violation of Conservation Order M-208. Between October 8, 1942, and January 13, 1943, respondents purchased lumber on orders to which preference ratings were subsequently and improperly applied by respondents, or for some of which the respondents had no preference ratings at the time they purported to apply preference ratings. These actions constituted a violation of Priorities Regulation No. 3. Respondents knew, or from their business experience should have known of Conservation Order M-208 and Priorities Regulation No. 3. Such actions constitute wilful violations of Conservation Order M-208 and Priorities Regulation No. 3; they have diverted scarce materials to uses not authorized by the War Production Board and have hampered and impeded the war effort of the United States. In view of the foregoing, *It is hereby ordered, That:*

## § 1010.387 Suspension Order No. S-387:

(a) Deliveries of material to Samuel Cohen and David Cohen doing business as Hog Island Lumber Company, or otherwise, their and its successors and assigns shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned, applied, or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation or allotment of materials or products, the supply or distribution of which is governed by any order or regulation of the War Production Board shall be made to Samuel Cohen and David Cohen, doing business as Hog Island Lumber Company, or otherwise, their and its successors and assigns, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Samuel Cohen and David Cohen, doing business as Hog Island Lumber Company, or otherwise, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on August 10, 1943, and shall expire on October 10, 1943.

Issued this 3d day of August 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-12982; Filed, August 10, 1943;  
11:45 a. m.]

## PART 1010—SUSPENSION ORDERS

[Suspension Order S-383]

## TIDMARSH ENGINEERING CO.

P. M. Tidmarsh, trading as Tidmarsh Engineering Company, of Tucson, Arizona, is engaged, among other things, in the sale and installation of plumbing,

heating, cooling and refrigerating equipment. Between October 1, 1942, and February 10, 1943, he violated Limitation Order L-79 by selling and delivering numerous items of new metal plumbing equipment and new metal heating equipment, as defined in that order, to ultimate consumers who did not furnish him with preference rated orders or proper certifications. At the time of these transactions P. M. Tidmarsh was familiar with the provisions of Limitation Order L-79, and the violations of that order must be considered wilful.

These violations of Limitation Order L-79 have hampered and impeded the war effort of the United States by distributing scarce material in a manner unauthorized by the War Production Board. In view of the foregoing, *It is hereby ordered, That:*

## § 1010.383 Suspension Order No. S-383.

(a) During the term of this order P. M. Tidmarsh, individually or trading as Tidmarsh Engineering Company, or otherwise, his successors or assigns, shall not purchase, sell, accept or make delivery of, or otherwise deal in new metal plumbing equipment or new metal heating equipment, as defined in Limitation Order L-79, except as specifically authorized in writing by the Regional Director of the San Francisco Regional Office of the War Production Board. Authority is hereby delegated to the San Francisco Regional Director to pass upon such applications made by the respondent.

(b) Nothing contained in this order shall be deemed to relieve P. M. Tidmarsh, individually or doing business as Tidmarsh Engineering Company, or otherwise, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on August 10, 1943, and shall expire on November 10, 1943.

Issued this 3d day of August 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-12983; Filed, August 10, 1943;  
11:45 a. m.]

## PART 1010—SUSPENSION ORDERS

[Suspension Order S-339]

## BARTON ELECTRIC CO.

The respondents, J. W. Barton and G. H. Barton, partners operating under the firm name of Barton Electric Company, are engaged in business as electrical contractors and also as dealers in various electrical appliances. They are located in business at 111 West Chestnut Street, Dodge City, Kansas.

On August 3, 1942, the respondents began construction of a frozen food locker plant at Syracuse, Kansas, at a total cost of \$9,200, which included the sale and installation therein of new refrigeration equipment of a value of \$4,000. On September 15, 1942, they began construction for their own use of a frozen food locker

plant in Dodge City, Kansas, at a total cost of more than \$4,000, which included the installation therein of new refrigeration equipment of a value of \$3,200. These construction projects were not authorized pursuant to Conservation Order L-41. The sales and installations of new refrigeration equipment were not made on preferred orders pursuant to Limitation Order L-38.

While there may be some doubt as to whether the respondents knew of the restrictions of Conservation Order L-41 when they began construction of the Syracuse plant, (and they are accorded the benefit of the doubt), there is no question but that they knew of them when they constructed their own plant in Dodge City. They were aware of Limitation Order L-38 which prevented the sale and installation of new electric refrigeration equipment without a preference rating. Thus their actions, with the exception of the construction in Syracuse, Kansas, were wilful violations of Conservation Order L-41 and Limitation Order L-38.

These violations of Orders L-38 and L-41 have hampered and impeded the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing, *It is hereby ordered, That:*

§ 1010.390 *Suspension Order No. S-390.*

(a) Deliveries of material to J. W. Barton and G. H. Barton, individually or doing business as Barton Electric Company or otherwise, their or its successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference ratings shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation shall be made to J. W. Barton and G. H. Barton, individually or doing business as Barton Electric Company, or otherwise, their or its successors or assigns, of any material the supply or distribution of which is governed by any order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) The provisions of this order shall not apply to materials or products which are required by the respondent in servicing or repairing refrigeration equipment, if written authority for such service or repair work is obtained in advance from the Regional Director of the Kansas City Regional Office of the War Production Board. Authority is hereby delegated to the said Regional Director to pass upon respondent's requests for permission to perform such service or repair work.

(d) Nothing contained in this order shall be deemed to relieve J. W. Barton or G. H. Barton, individually or doing business as Barton Electric Company or otherwise, their or its successors or assigns, from any restriction, prohibition

or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on August 10, 1943 and shall expire on December 10, 1943.

Issued this 3d day of August 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-12984; Filed, August 10, 1943;  
11:45 a. m.]

PART 1071—INDUSTRIAL AND COMMERCIAL  
REFRIGERATING AND AIR CONDITIONING  
MACHINERY AND EQUIPMENT

[Amdt. 2 to General Limitation Order L-38  
as amended May 20, 1943]

Section 1071.1 *General Limitation Order L-38*, as amended May 20, 1943, is hereby amended in the following particulars:

1. On "List B", "Part I", in item 1 the words "Army or Navy," are changed to read "Army or Navy; or when specifically authorized on Form WPB-2448 (formerly PD-831) only, and only for a hospital or a new or enlarged industrial plant (except in offices and eating places) or replacement in an industrial plant of an existing cooler which is beyond repair, if considered indispensable by the War Production Board."

2. On "List E", in item 1, the words "Army, Navy, Maritime Commission, or War Shipping Administration," are changed to read: "Army, Navy, Maritime Commission, or War Shipping Administration, for use aboard ship."

Issued this 10th day of August 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-12986; Filed, August 10, 1943;  
11:44 a. m.]

PART 1176—IRON AND STEEL CONSERVATION  
[Conservation Order M-126 as Amended  
August 10, 1943]

Section 1176.1 *General Conservation Order M-126* is hereby amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron and steel for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1176.1 *General Conservation Order M-126*—(a) *Definitions.* For the purposes of this order:

(1) The term "iron or steel" does not include "tin plate" and "terne plate" as defined by Supplementary Order M-21—(e), as amended, or screws, nails, rivets, bolts, wire, strapping or small hardware for joining or other similar essential pur-

poses. The term does include stainless steel.

(2) The term "stainless steel" means corrosion or heat resistant alloy iron or alloy steel containing 10 per cent or more of chromium with or without nickel and/or other alloying elements.

(3) "Process" means cut, draw, machine, stamp, melt, cast, forge, roll, turn, spin or otherwise shape.

(4) "Put into process" means the first change by a manufacturer in the form of material from that form in which it is received by him.

(5) The term "assemble" does not include the putting together of an article after delivery to a sales outlet or consumer in knockdown form pursuant to an established custom. The term "assemble" also does not include adding finished parts to an otherwise finished article when the location of one or more of the added parts, or the size or type of one or more of the added parts, is determined by the use to which the ultimate consumer is to put the article.

(6) The term "Bessemer processed steel" means steel made by a process, in which air is blown through molten cast iron contained in a converter.

(7) The term "top cut" means that portion of a steel ingot rejected because it is not of sufficiently high quality for use on the order for which the ingot was melted, but which is normally used for some other purpose.

(b) *Restrictions with respect to List A products*—(1) *Raw material deliveries.* No person shall deliver or accept delivery of any iron or steel (including stainless steel) which he knows or has reason to know will be used to make any item on List A, any part thereof or repair part therefor.

(2) *Fabrication: prohibition.* No person shall process any iron or steel (including stainless steel) to make any item on List A, any part thereof or repair part therefor.

(3) *Assembly.* No person shall assemble any item on List A, any part thereof or repair part therefor, if it contains any iron or steel (including stainless steel).

(4) *Finished item deliveries.* No person shall deliver or accept delivery of any item on List A, any part thereof or repair part therefor, which he knows or has reason to know was made, assembled or delivered in violation of any applicable provisions of this order as amended from time to time.

(c) *Exemption for Army-Navy-Maritime orders*—(1) *List C items.* In the case of any item on List C ordered by or for the account of the Army or Navy of the United States, the United States Maritime Commission and the War Shipping Administration, or ordered for physical incorporation into material to be purchased by or for the account of such agencies, the kind and amount of iron or steel required by the specifications (including performance specifications) applicable to the purchase order or contract may be delivered for and used in the manufacture of the item unless List C says otherwise. However, no stainless steel shall be used unless List C specifically says that it may.

(2) *Other items.* In the case of all articles or parts not governed by List A or C (including those articles and parts excepted from List A), when specifications (including performance specifications) of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration call for a particular kind or amount of iron or steel (including stainless steel) the iron or steel specified may be used.

(d) *Restrictions on manufacture when the use of iron and steel is not elsewhere prohibited in this order.* No person shall use any iron or steel to make any article or part for which it would be practicable to use other less scarce material.\* No person shall use more iron or steel in making any article or part than is necessary. No person shall use any alloy steel (including stainless steel) to make any article or part for which it is practicable to use carbon steel or iron (other than iron included under the definition of stainless steel).

(e) *Restrictions with respect to other scarce materials.* No person shall use as a substitute for any iron or steel (including stainless steel) any material more critical\* than the material which he is prevented from using by this order.

(f) *Disposition of frozen and excessive inventories.* The disposition of frozen and excessive inventories containing iron or steel (including stainless steel) shall be subject to the applicable provisions of Priorities Regulation No. 13 (§944.34).

(g) *Miscellaneous provisions—(1) Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(2) *Appeals.* Any appeal from the provisions of this order must be made on Form WPB-1477 (formerly Form PD-500) and must be filed with the field office of the War Production Board for the district in which is located the plant to which the appeal relates.

(3) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply whether the items are ordered or manufactured pursuant to a contract made prior to, on, or subsequent to May 5, 1942, or pursuant to a contract supported by a preference rating or allotment insofar as any other order of the War Production Board may have the effect of limiting or curtailing to a greater extent than herein provided the use of any material in the production of any item, the limitations of such order shall be observed.

(4) *Intra-company deliveries.* The restrictions of this order with respect to deliveries prohibit or restrict deliveries not only to other persons, including affiliates or subsidiaries, but also from one branch, division, or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

\* The Conservation Division of the War Production Board issues, periodically, a publication showing the relative scarcity of materials entitled "Materials Substitutions and Supply".

(5) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(6) *Installation.* The restrictions of this order shall not apply to the installation of an item or part for the ultimate consumer on his premises or to any putting into process, processing or assembling of the item or part incidental to the installation when done on the premises of the ultimate consumer.

(7) *Repair.* The restrictions of this order (other than those contained in paragraph (d)) shall not apply to a person repairing a used article on or off the premises of the owner, if the person making the repair does not use iron or steel weighing in the aggregate more than 25 pounds and if any putting into process, processing or assembling done by such person is for the purpose of making the specific repair. This paragraph (g) (7) does not limit the manufacture of repair and maintenance parts when List A permits the making of such parts.

(8) *Restrictions on manufacturing in certain labor areas.* When List A indicates that the manufacture of a particular item is subject to this paragraph (g) (8), no person shall put into process, process, or assemble any iron or steel (including stainless steel) to make any such item or any part thereof, unless such processing or assembling is to take place in a manufacturing establishment located in groups 3 or 4 of the labor market areas as may be from time to time designated by the War Manpower Commission.

Issued this 10th day of August 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

#### LIST A

"A" Frames and booms for lighters of 15 ton capacity and under.  
Access panels—except as required by Underwriters Codes.  
Accessories, soda fountain.\*  
Acoustical ceilings.  
Advertising novelties.  
Air-conditioning systems—except as may be permitted under Limitation Orders L-33 and L-126.\*  
Aircraft fire walls—except when made with iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.  
Aircraft seats—except when made with iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.  
Aircraft toilets—except when made with iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.  
Amusement park devices and roller coasters.\*

\*Maintenance and repair parts excepted.

Area walls.  
Ash clevers—except as may be permitted under limitation orders in the L-30 series.  
Asparagus tongs.  
Atomizers, perfume-brandolier.  
Attic fans.  
Automobile accessories.  
Automobile heaters\*—except for passenger carriers as defined in Limitation Order L-153, police cars, ambulances, trucks and fire wagons.  
Awning frames and supports—except when made from material in the inventory of the manufacturer on or before June 18, 1942, purchased for the purpose of making this item and then only subject to the provisions of paragraph (g) (8) of this order.  
Bag, purse and pocketbook frames—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before June 18, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.  
Balers, paper, for household use.  
Ball park equipment including but not limited to:  
Cages.\*  
Fences.  
Lighting systems—except lamp bulbs.  
Metal bases.  
Protective netting.\*  
Railings.  
Rollers.  
Score boards.  
Screens.\*  
Seats.\*  
Tampers.  
Banks, personal, toy, miniature.  
Barber and beauty shop furniture.  
Barber and beauty shop supplies, machines and equipment.\*  
Barn pushers and scrapers.  
Barrel hoops and fittings—except when made with iron or steel other than stainless steel.  
Barware and bar accessories.  
Bases on refrigerating machines below one H P—except as may be permitted under Limitation Orders L-33 and L-126.  
Baskets—(i) except for commercial cooking, industrial and laboratory uses; (ii) except as may be permitted under Limitation Orders in the L-30 series; and (iii) except for agricultural purposes as may be permitted under Limitation Order L-257. Stainless steel may not be used for any basket except for baskets for heat-treating, pickling and plating and for repair and maintenance parts.  
Baths, steam, all types.  
Bath tubs—except as may be permitted under Limitation Order L-42.  
B-B shot for air rifles.  
Beach umbrellas—except as may be permitted under Limitation Order L-62.  
Bed pans—except when made with iron or steel other than stainless steel and in accordance with Schedule 1 of Limitation Order L-214.  
Beds—(i) except hospital beds; and (ii) except other beds when made from material in the inventory of the manufacturer which was put into process to make this item on or before June 18, 1942, and then only subject to paragraph (g) (8) of this order.  
Bed spring frames—except as may be permitted under Limitation Order L-49.  
Beer kegs—except hoops and fittings for wooden kegs.  
Beer mugs.  
Beer stands.  
Beer steins.  
Bench legs—except industrial.  
Beverage bottle cages, including but not limited to beer and all soft drinks.  
Bicycle racks.  
Blinding, linoleum—except when made from material in the inventory of the manufac-

turer which was put into process to make this item on or before December 5, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.

Binoculars—except for U. S. Government Agencies.

Bins and screens—except when made with iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.

Bird cages and bird cage stands.

Bird houses and feeders.

Biscuit boxes—except as may be permitted under Limitation Orders in the L-30 series.

Blackboards.

Blade stropers, mechanical.

Bleachers and grandstands.\*

Blocks, hat.

Blue print machines—(i) except parts coming in contact with chemicals; and (ii) except for other parts when made with iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.

Boards, sounding.

Boat hooks.

Bobbin heads—except when made with iron or steel other than stainless steel and in accordance with Limitation Order L-98.

Boiler casings—except when made with iron or steel other than stainless steel and in accordance with Limitation Orders L-42, L-185, L-187 and L-199.

Book ends.

Book trucks—except wheel tires.

Boot jacks.

Bottle coolers—except when made with iron or steel other than stainless steel and in accordance with Limitation Order L-38.

Bottle holders—except hospital.

Bowling alleys, bowling pins and accessories.\*

Boxes and trays for jewelry, cutlery, combs and toilet sets.

Boxes, meter, for household use—(i) except covers; and (ii) except reinforcing for concrete.

Braces, extensible steel, trench.

Branding, marking, and labeling devices—except when made with iron or steel other than stainless steel and in accordance with Limitation Orders L-83 and L-292.

Bread and cake boxes, household—except as may be permitted under Limitation Orders in the L-30 series.

Bread slicers for home use—(i) except knives; and (ii) except as may be permitted under Limitation Orders in the L-30 series.

Brewing, distilling, and processing equipment for alcoholic and nonalcoholic beverages, including bottling equipment—except when made with iron or steel other than stainless steel and in accordance with Limitation Order L-292.

Bridge splash guards.

Brush-backs—(i) except industrial; and (ii) except brush-backs other than industrial when made from material in the inventory of the manufacturer which was put into process to make this item on or before August 14, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.

Buckets and pails—except when made with iron or steel other than stainless steel and in accordance with Limitation Orders of the L-30 series and L-257.

Buckles for clothing—except as may be permitted under Limitation Order L-68.

Buckles for pocketbooks and shoes—except as may be permitted under Limitation Order L-68.

Bulldozers' hardware—except when made with iron or steel other than stainless steel and in accordance with Limitation Order L-236.

Bulldozers' supplies—except when made with iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.

Building ornaments.

Buildings, portable.

Burial lowering devices.

Butter chips.

Butter knives.

Buttons for clothing—except as may be permitted under Limitation Order L-68.

Cabinets—except as may be permitted under Limitation Orders L-13-a, L-62 and Schedule 3 to L-214.

Cafeteria and restaurant equipment—except when made with iron or steel other than stainless steel provided that stainless steel may be used for operating parts for repair and maintenance purposes.

Cake cutters.

Cake icing equipment.

Cake tongs.

Calendar and memo pad stands—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before August 14, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.

Calliopes or steam organs.

Candy display dishes.

Canes.

Canopies, hoods and supports—except brooder canopies.

Cans, containers and closures—except (i) shipping packages; and (ii) cans, containers and closures as may be permitted under Conservation Orders M-81, M-104, M-255 and M-261.

Car washing machines—except as may be permitted under Limitation Order L-270.

Carillons.

Carpet rods.

Carriers, casket.\*

Carrouseis (Merry-go-rounds).\*

Carving set holders.

Cash boxes.

Cash registers.\*

Casket hardware—except as may be permitted under Limitation Order L-64.

Casket trucks, undertaker's—except wheels.

Ceilings.

Chafing dishes.

Chains and cables—(i) except for heat-treating, pickling and plating; and (ii) except for all other uses when made with iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.

Chamber pots—except as may be permitted under Limitation Orders in the L-30 series.

Cheese dishes.

Cheese vats—except when made with iron or steel other than stainless steel and in accordance with Limitation Order L-292.

Chicken crates.

Chicken house scrapers.

Christmas tree holders.

Christmas tree ornaments—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before June 18, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.

Cigar and cigarette holders and cases.

Cigar clippers.

Cigarette lighters.

Cigarette package holders.

Cigarette making machines, hand.

Circus and carnival apparatus, equipment\* and devices, including but not limited to:

- Animal cages.\*
- Animal stands.
- Tent standers.
- Trailers.\*
- Trapeze bars.

Clamps, hair, including barrettes, decorative clips and fasteners (but not including common bob and hair pins and clamps for hair curling or waving)—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before December 5, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.

Clips for attaching baggage tags.

\*Maintenance and repair parts excepted.

Clock cases—except on recording and controlling industrial instruments and heating system control equipment, and then only if made with iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.

Clocks, parts other than cases—except when made with iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.

Clothes hamper.

Clothes lines.

Clothes line pulleys.

Clothes line reels.

Clothes racks and clothes dryers.

Clothes trees.

Clothing trim and dress ornaments—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before August 14, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.

Coal chutes and doors, household.

Coal pans.

Coasters and trivets for glass and hot containers.

Cocktail glasses.

Cocktail sets.

Cocktail shakers.

Coffee pots—except when made from iron and steel other than stainless steel and in accordance with Limitation Orders of the L-30 series.

Combs, hair—except curry combs.

Compacts.

Control levers—except when made from iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.

Convectors, local and unit heaters—(i) except for heat controls; and (ii) except for parts other than heat controls when made with iron or steel other than stainless steel and in accordance with Limitation Order L-107.

Conveyors and conveyor chutes—(i) except where subject to high temperature or corrosive action and made in accordance with Supplementary Order M-21-g; and (ii) except when made of iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.

Cooking stoves, commercial, electric—except as may be permitted under Limitation Order L-65.

Copy holders.

Corn poppers and machines.

Cosmetics and toiletries—except as may be permitted under Conservation Order M-104.

Counter tops and edgings.

Covers for automotive leaf-type springs.

Covers and frames, manhole—(i) except for reinforcing for concrete covers.

Covers, meter frame—except for industrial use.

Crochet hooks.

Croquet sets.

Crumb trays—except as may be permitted under Limitation Orders in the L-30 series.

Crutches.

Culverts, including conduits, corrugated pipe and corrugated plates and arches for culverts—(i) except from top cuts and discard steel; (ii) except reinforcing bars for poured concrete; (iii) except other reinforcing made with iron or steel in the form of re-rolled rail stock, top cuts and discard steels; (iv) except nestable culverts for use outside of the continental limits of the United States; and (v) except when made from material in the inventory of the manufacturer which was put into process to make this item on or before June 18, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.

Cups, drinking, of all kinds—(i) except for livestock; and (ii) except as may be permitted under Limitation Orders in the L-30 series.



Cups, other than drinking—(i) except industrial; and (ii) except when made with iron or steel other than stainless steel and in accordance with other applicable War Production Board orders.

Curb guards.

Curler, hair, non-electric—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before June 18, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.

Curtain stretchers.

Cutlery for the processing and preparation of food—except when made with iron or steel other than stainless steel and in accordance with Limitation Order L-140-a.

Dampers, fireplace—except as may be specified by the War Housing Critical List.

Darners, sock.

Decorative iron products.

Deodorizing dispensers.

Desk equipment, including but not limited to:

- Desk sets.
- Desk pads.
- Fountain pen and pencil stands.
- Letter openers.
- Name plates.
- Paper weights.

Djaper cans, containers, and receptacles.

Diaphone racks.

Dinner bells.

Dishes, saucers and plates—except when made with iron or steel other than stainless steel and in accordance with Limitation Orders of the L-30 series.

Dish trucks—except wheel tires.

Dishwashing machines—except commercial dishwashing machines as may be permitted under Limitation Order L-248.

Dishwashing racks, household.

Dispensers, hand, for:

- Hand lotions.
- Paper products.
- Soap.
- Straws.

Display forms.

Document stands.

Door chimes.

Door closers—except as may be permitted under Limitation Order L-236.

Door handles—except as may be permitted under Limitation Order L-236.

Door knockers.

Door mats.

Door stops—except as may be permitted under Limitation Order L-236.

Drain boards—except as may be permitted under Limitation Order L-42.

Drawer pulls—except as may be permitted under Limitation Orders L-13-a and L-260.

Dress forms.

Dummy police.

Dust collecting systems and equipment\*—except on preference rating of AA-5 or higher.

Dust covers and enclosures\*—except industrial.

Dyeing equipment—(i) except when made with iron or steel other than stainless steel and in accordance with Limitation Order L-215; and (ii) except for repair and maintenance parts as may be permitted under Limitation Order L-215.

Easels, all types.

Edgings, furniture and linoleum—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before December 5, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.

Ediphone racks.

Egg slicers.

Electric drinking water coolers—except as may be permitted under Limitation Orders L-38 and L-126.

Elevators, including doors and trim—except when made with iron or steel other than stainless steel and in accordance with Limitation Orders L-59 and L-257.

Embalming tables.\*

Enameled tile sheets and squares.

Enamel store fronts.

Erasing knives.

Erasing shields.

Escalators.\*

Exercise and reducing machines.\*

Exhibition and fair apparatus and equipment,\* including but not limited to:

- Lighting equipment.
- Racks.
- Stands.

Fan stands, all types.

Fans, (i) except industrial; or (ii) except when made with iron or steel other than stainless steel and in accordance with Limitation Order L-176.

Farm machinery and replacement parts therefor—(i) except high pressure sprayer valves, valve sets and nozzles; and (ii) except other parts when made with iron or steel other than stainless steel and in accordance with Limitation Order L-257.

Feed troughs, except as may be permitted under Limitation Order L-257.

Fences of all kinds, including chain link—except as may be permitted under Limitation Order L-211, Schedule III.

Fence posts—except for agricultural purposes and then only if made from steel in the form of re-rolled rail stock.

Fernerles, metal.

Finger bowls.

Fireplace equipment, including but not limited to: andirons, fireplace screens, fireplace accessories, clean-out doors and ash dumps but not including dampers and grates. See also the items "Dampers x x" and "Fireplace grates x x" on List A hercof.

Fireplace grates—except grates weighing not more than 40 lbs. each. No person shall process during the year 1943 in the manufacture of all fireplace grates weighing 40 lbs. each or less, more than 50% of the amount of iron and steel used by him in making all fireplace grates during the year 1941.

First aid kit boxes.

Fish aquariums.

Fishing tackle and equipment other than commercial—except as may be permitted under Limitation Order L-92.

Flag holders.

Flag poles.

Flashlights—except as may be permitted under Limitation Order L-71.

Flasks, quicksilver.

Floats for pageants, parades, advertising, etc.—except trucks.

Floor and ceiling plates for piping—except for industrial use.

Floor and counter covering trim—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before June 18, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.

Floor plates and floor coverings—except when made with iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.

Floor scrapers—except power driven.

Floral tools and floral hoes.

Florist supplies—except that iron or steel wire may be used which was drawn prior to June 18, 1942 or was sold to the manufacturer of florist supplies as scrap.

Flour, salt and pepper shakers—except as may be permitted under Limitation Orders in the L-30 series.

Flower boxes, pot holders and vases.

Flower shears.

\*Maintenance and repair parts excepted.

Fly traps.

Food carts—(i) except wheel tires; and (ii) except for hospital use.

Food vending machines, including automats.

Foot baths—except as may be permitted under Limitation Order L-42.

Foot scrapers.

Forms for concrete construction.

Fountain pens—except as may be permitted under Limitation Order L-227.

Fountains—(i) except fountains (other than ornamental fountains) when made with iron or steel other than stainless steel and in accordance with Limitation Orders L-38 and L-42; and (ii) except for replacement parts for soda fountains of the following types: covers, breaker strips, milk cans and ice pans which may be made with any iron or steel including stainless steel.

Fountains, ornamental.

Frames, catch basin and grater, all types—(i) except when made from low-grade cast iron; and (ii) except for reinforcing for concrete covers.

Frames, clothes drying.

Frames for artists' canvas, darning and needle work.

Frames, steel blocking.

Fruit juice extractors, household—except as may be permitted under Limitation Orders in the L-30 series and L-65.

Furniture\*—except as may be permitted under Limitation Orders L-13-a, L-62, L-135, Schedule 3 of L-214, L-226, L-249, L-254 and L-260, but subject to the prohibition on the use of stainless steel in "Mechanical drawing and drafting equipment" on this List A.

Furniture, hardware—except when made with iron or steel other than stainless steel and as may be permitted under Limitation Order L-260.

Galley and mess equipment—except when made with iron or steel other than stainless steel, provided that stainless steel may be used for operating parts for repair and maintenance purposes.

Galley, kitchen, cafeteria and restaurant paneling—except when made with iron or steel other than stainless steel.

Game and gambling devices.

Garage hoists, car lifts and racks—except as may be permitted under Limitation Order L-270.

Garbage grinders, household.\*

Garden trowels.\*

Gas toasters, household.

Gates for fences\*—except for agricultural use as may be permitted under Limitation Order L-257.

Glassware holders and trim—except on cooking utensils.

Golf bag supports.

Grass shears.

Grass whips.

Grave markers.

Grilles, ornamental.

Grilles, sawers—except when made from low-grade cast-iron.

Grills, outdoor.

Guards for guy wires.

Gutters, spouting, conductor pipe and fittings for dwellings two stories or less in height\*—except when the installation has been approved by the National Housing Agency.

H-Bar units.

Hair dryers, hand. See also the item "Barber and beauty shop, supplies, machines and equipment" on this List A for other hair dryers.

Hand seals for documents.

Hand weaders.

Handles, broom and mop.

Hangers, all types—(i) except X-ray film hangers; and (ii) except for other types of hangers when made with iron or steel other than stainless steel and in accordance with any applicable War Production Board orders. See the next item below

for a type of hanger which may not be made with any iron or steel.

Hangers and track for garage doors for private use.

Hangers rings on brushes, brooms, etc.

Harness and saddlery fittings—except for draft, work and ranch animals.

Hat frames—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before June 18, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.

Hat-making machinery.\*

Heat resisting pads for household use.

Hedge shears.

Helmets—except as may be permitted under Limitation Order L-105.

Highway crossing protection devices, electrical or mechanical.\*

Highway guard rail, wire, strip and posts.\*

Highway guard rail reflectors.

Hitching posts.

Holders, wire, all types—except as may be permitted under Limitation Orders in the L-30 series.

Hoops, galvanized wire for flower garden trim.

Hose clamps—except when made with iron or steel other than stainless steel.

Hose reels—(i) except fire fighting equipment; (ii) except for industrial use in direct fire hazard areas; and (iii) except for industrial use where required for lubricating equipment but only if made from steel in the form of re-rolled rail stock.

Hospital, medical, dental and related equipment—only items listed elsewhere on this List A are restricted by any provisions of this order other than paragraph (d).

Hot water heaters, tanks and coils—except when made with iron or steel other than stainless steel and in accordance with Limitation Orders L-65, L-185 and L-199.

House numerals.

Houses, poultry—except wire netting and except reinforcing for concrete, and except as permitted in the P-19 series of Orders.

Houses, tool and hog—except reinforcing for concrete, and except as permitted in the P-19 series of Orders.

Humidification devices—except as may be permitted under Limitation Orders L-38 and L-126.

Humidifiers.

Ice box exteriors—except as may be permitted under Limitation Orders L-7-c, L-38 and L-126.

Ice box parts other than exteriors—except when made with iron or steel other than stainless steel and in accordance with Limitation Orders L-7-c, L-38 and L-126.

Ice cream cabinets (see Item "Cabinets x x" on this List A).

Ice cream freezers, household.

Ice cream molds.

Ice cube trays.

Identification tags and badges (see "Tags and badges x x x" on this List A).

Incinerators—except for industrial or commercial use and except for housing as may be permitted by the War Housing Critical List.

Ink well holders.

Inlets, gutter, all types—except reinforcing for concrete.

Inlets, sewer, all types—except reinforcing for concrete.

Instrument dials and cases—except when made with iron or steel other than stainless steel and in accordance with other applicable War Production Board orders.

Insulation, metal reflecting type.

Ironing boards and stands.

Jam boxes—except as may be permitted under Limitation Orders in the L-30 series.

Jelly molds—except as may be permitted under Limitation Orders in the L-30 series.

Jewelry.

\*Maintenance and repair parts excepted.

Jewelry cases.

Jugs, picnic, all types.

Kaleidoscopes.

Key chains, cases and rings.

Kitchenware—except when made with iron or steel other than stainless steel and in accordance with Limitation Orders of the L-30 series.

Knitting needles.

Ladders and holsts, including fittings—except when made with iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.

Ladders, step.

Lanterns and lamps—(i) except valves, controls and mantle-holders and except for miners' lamps; and (ii) except for parts of lamps other than valves, controls and mantle-holders and for all parts of lamps other than miners' lamps, when made with iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.

Lanterns, magic.

Lard or vegetable oil tubs—except of a capacity of 5 pounds and over.

Laundry chutes.

Laundry trays—except as may be permitted under Limitation Order L-42.

Laundry trucks and laundry truck tubs—(i) except wheel tires; and (ii) except for use in dry cleaning plants.

Lavatories—(i) except for railway cars; (ii) except for hangers; and (iii) except as may be permitted under Limitation Order L-42.

Lavatory equipment—except when made with iron or steel other than stainless steel and in accordance with Limitation Order L-42.

Lawn brooms.

Lawn edgers.

Lawn rakes.

Lawn rollers.\*

Lawn tampers.

Lawn seeders.\*

Lawn sprinklers.

Letter chutes.

Letter openers.

Letter trays.

Lighting equipment—(i) except when made with iron or steel other than stainless steel and in accordance with Limitation Orders L-78, L-168, L-212, L-235 and L-259; and (ii) except for use in floodlights, searchlights and other outdoor lighting equipment used in connection with aerial and marine navigation.

Lighting poles and standards.\*

Linen hampers—except for frames.

Linen trucks—except wheel tires.

Lipstick holders—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before June 18, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.

Livestock and poultry equipment—except when made with iron or steel other than stainless steel and in accordance with Limitation Order L-257.

Lockers—(i) except for oil refinery use; and (ii) except as permitted under Limitation Order L-13-a.

Locks—except when made with iron or steel other than stainless steel and in accordance with Limitation Order L-236.

Logs, artificial for gas—except as may be permitted under Limitation Order L-23-c.

Logs, artificial for electric fireplaces.

Luggage—except as may be permitted under Limitation Order L-284.

Lunch boxes—except as may be permitted under Limitation Orders in the L-30 series.

Mail boxes—except as required by U. S. postal regulations.

Mailing tubes or cases—except for transportation of bacteria, cultures, serums, plasma and biological specimens.

Marine hardware for pleasure boats.

Marquees.

Match boxes.

Match and pattern plates, matrices and flasks—except when made with iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.

Material for housing not otherwise specified in this order—except as may be specified by the War Housing Critical List.

Measuring pumps and dispensers\* for gasoline station, garage and household uses, including but not limited to:

Air pumps—except as may be permitted under Limitation Order L-270.

Grease guns.

Grease pumps.

Gasoline dispensing pumps.

Kerosene pumps.

Oil pumps—except barrel pumps and lubesters.

Meat molds.

Mechanical book binding—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before June 18, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.

Mechanical drawing and drafting equipment—except when made with iron or steel other than stainless steel and in accordance with any applicable orders of the War Production Board.

Memorial tablets.

Menu holders.

Metal cloths—except insect screening and hardware cloth and for industrial processing.

Metal dust covers and enclosures—except for industrial use.

Milk bottle cases—except that a total of 4½ pounds of steel per case (including joining and essential hardware) may be used.

Military wire and gimps—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before June 18, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.

Mirrors, hand.

Monograms and initials.

Mop wringers.

Mortician's supplies and equipment—except when made with iron or steel other than stainless steel and in accordance with any applicable orders of the War Production Board.

Motion picture cameras.\*

Motion picture projectors and projection equipment.\*

Motion picture screen stands.

Motion picture sound reproducing equipment.\*

Mud scrapers.

Music stands.

Name, data and instruction plates for machinery and equipment—except when made with iron or steel other than stainless steel and in accordance with any applicable orders of the War Production Board.

Napkin rings.

Necktie racks—except as may be permitted under Limitation Orders in the L-30 series.

Newspaper boxes or holders.

Novelties and souvenirs of all kinds—except that the assembling of artificial leaves, fruits, and flowers, and of feather ornaments shall be permitted when any iron or steel wire to be used was drawn on or before June 19, 1942, or was sold to the manufacturer of the artificial leaves, fruits, flowers, or feather ornaments as scrap.

Ornamental hardware and moldings.

Outdoor fireplace parts.

Outing spades.

Packing twine holders.

Pail clasps.

Paint spray outfits—except for industrial use.

Paper rollers, household—except as may be permitted under Limitation Order L-120.

Parachute ripcord housing after September 30, 1943—(i) except when made from iron or steel (including stainless steel) acquired through Steel Recovery Corporation; and (ii) except when the manufacturer has not been able to acquire iron or steel (including stainless steel) of the type required through Steel Recovery Corporation.

Parasols, shafts and handles.

Park and recreational benches.

Parking meters.

Partitions.

Partition studs.

Pegs, tent.

Pen holders.

Pencil holders.

Permanent wave machines.\*

Pet beds.

Pet cages.

Pet dishes.

Pet equipment (except license tags) including but not limited to:

- Carriers.
- Chains.
- Collars.
- Feeders.
- Houses.
- Leashes.
- Muzzles.

Phonograph motors, hand wound.

Phonograph record blanks.

Photographic accessories—except accessories used in connection with X-ray.

ing and publishing equipment as may be permitted under Limitation Order L-226; (ii) except X-ray film developing equipment; and (iii) except document copying machines and equipment therefor (other than blue print machines) for business purposes and for use by government agencies. See also the item "Blue print machines \* \* \*" on this List A.

Physical reducing machines.

Picnic and outing boxes and accessories.

Picture and mirror hardware.

Pie plates—except as may be permitted under Limitation Orders in the L-30 series.

Pipe cases.

Pipe cleaner knives.

Pipe posts.

Pitchers—except for hospital use.

Plant and flower supports.

Plates, light switch—except for cast conduit bodies.

Playground equipment—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before October 3, 1942, and then only subject to the provisions of paragraph (g) (8) of this order and only for sale to public recreation areas and Defense Housing projects.

Play pens, boxes and enclosures, children's.

Pleasure boats.

Pleasure boat equipment and accessories.

Plumbing and heating equipment.

Gas conversion burners.\*

Gas fired boiler-burner units—except as may be permitted under Limitation Order L-187.

Gas fired furnace-burner units—except as may be permitted under Limitation Order L-22-a.

Grilles.\*

Oil fired boiler-burner units—except as may be permitted under Limitation Order L-187.

Oil fired furnace-burner units—except as may be permitted under Limitation Order L-22-a.

Registers\*—(i) except when made from material in the inventory of the manufacturer which was put into process to make this item on or before June 18, 1942, and then only subject to the provisions of paragraph (g) (8) of this order; and (ii) except registers for use in warm air circulating systems but only

if made from Bessemer processed steel or from a "top cut" and then only subject to the provisions of paragraph (g) (8) of this order.

Steel heating boilers of 129 sq. ft. or less of heating surface.\*

Pneumatic tube delivery systems\*—except industrial.

Pocketbook ornaments.

Pole-line hardware—except when made with iron or steel other than stainless steel.

Polishing-wax applicators—except industrial as may be permitted under Limitation Order L-222.

Polishing-wax sprayers.

Portable bath tubs.

Poultry incubator cabinets—except as may be permitted under Limitation Order L-257.

Pulp, paper, paper products and converter machinery and equipment\*—(i) except graphic arts machinery or equipment as may be permitted under Limitation Order L-226, and (ii) except that, with respect to pulp, paper, paper products and converter machinery and equipment not subject to Limitation Order L-226, particular machines and pieces of equipment of the types listed below, in production on August 9, 1943, may be finished if all fabrication and assembly is completed by September 20, 1943.

Automatic paper packaging machines.

Paper bag machinery.

Paper corrugating machinery.

Paper cup machinery.

Paper cutting machinery.

Paper paraffining machinery.

Paper pasting machinery.

Paper slitting machinery.

Paper tube machinery.

Sitters and winders.

Waxing machines.

Pumps, fresh water—(i) except industrial; and (ii) except when made with iron or steel other than stainless steel and in accordance with any applicable orders of the War Production Board.

Push carts.

Push plates and kick plates, door.

Race track apparatus and equipment,\* including but not limited to:

- Mutuel ticket machines.
- Parl-mutuel boards.
- Race finish photographic equipment.
- Starting gates.

Racks, display.

Racquets.

Radiator enclosures.

Radio antenna—except when made with iron or steel other than stainless steel.

Radio antenna poles\*—except on preference ratings of AA-5 or higher.

Railings and barriers—(i) except for essential industrial use; and (ii) for metal fire escapes and fire towers.

Railroad rail joint angle bars over 24" in length\*—(i) except for replacement on used rails; and (ii) except for rail weighing more than 110 lbs. per yard.

Reading stands.

Reels, cable and rope.

Refrigerator boxes, walk-in—except as may be permitted under Limitation Orders L-38 and L-126.

Refrigerator containers and trays, household.

Refrigerator and refrigeration equipment—(i) except essential machinery parts; and (ii) except for parts other than essential machinery parts when made with iron or steel other than stainless steel. This item is subject to the provisions of the two previous items on this List.

Regalia.

Registers, hand tally.

Rodeo equipment, including but not limited to:

- Animal trappings.
- Fences.
- Gates.\*

Rolling boardwalk chairs.\*

Rolling pins—except as may be permitted under Limitation Orders in the L-30 series.

Roofing and siding\*—(i) except for roofing of railroad freight and passenger cars, street cars and busses; and (ii) except for other purposes but only when Bessemer processed steel is used.

Rotary door bells.

Rubber moulds—except when made with iron or steel other than stainless steel and in accordance with any applicable orders of the War Production Board.

Rug scrubbing and shampooing machines.\*

Safety zone posts, rails, cables and platforms.

Salesmen's display cases and sales kits.

Salt and pepper holders—except as may be permitted under Limitation Orders in the L-30 series.

Sample boxes.

Sand boats.

Scaffolding—except for use in shipyards and industrial plants.

Scales, coin operated.

Scenery and stage hardware equipment\* (except lamp bulbs) for dramatic, theatrical and operatic use, including but not limited to:

- Battens.
- Cables.
- Lighting equipment.
- Stage drops.

Score boards.

Screen frames—(i) except for industrial processing; and (ii) except when made from material in the inventory of the manufacturer which was put into process to make this item on or before June 18, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.

Scrubbing boards.

Semaphores, traffic signal—except railroad.

Service food trays.

Sewer pipe, exterior installations\*—(i) except for vents and within 5 feet of buildings; (ii) except for cast iron pressure mains; and (iii) except for reinforcing for concrete made from iron or steel in the form of re-rolled rail stock, "top cuts", or discard steel.

Shades, window and roller type—except for railway cars and for roller mechanism.

Sheet iron or hoop iron packings for cookies and sweet goods.

Shelf trucks—except wheel-tires and frame.

Shelves for domestic ice refrigerators, as defined by Limitation Order L-7-c.

Shelves, other than shelves for domestic ice refrigerators—except as may be made with iron or steel other than stainless steel and in accordance with any applicable orders of the War Production Board.

Shirt and stocking dryers.

Shoe cleaning kits.

Shoe ornaments.

Show window lighting and display equipment.

Shower receptors and stalls—except as may be permitted under Limitation Order L-42.

Shutters, window\*—except as may be permitted under Limitation Order L-142.

Sidewalk scrapers.

Sign hanger frames.

Sign posts.

Signets.

Silco—except as may be permitted under Limitation Order L-257.

Sinks, sink aprons and sink legs—except as may be permitted under Limitation Order L-42.

Sink drainboards, both integral and removable—except as may be permitted under Limitation Order L-42.

Siphon chargers—except as may be permitted under Limitation Order M-233.

Sitz baths—except as may be permitted under Limitation Order L-42.

Skates, roller and ice.

Slating rink apparatus and equipment.\*

\*Maintenance and repair parts excepted.

- Skewers, all types.
- Ski racks.
- Sleds and sleighs—except runners.
- Slide fasteners—except as may be permitted under Limitation Order L-68.
- Slides, loops and slide-loops for work clothing—except as may be permitted under Limitation Order L-68.
- Smokers' accessories.
- Snow shovels and pushers, hand—except as may be permitted under Limitation Order L-157.
- Sod lifters.
- Spading forks—children's.
- Special industrial machinery of the following types:
- Ceramic making machinery\*—except machinery for making refractories, porcelain for industrial use, vitrified abrasives and stoneware for chemical processing.
  - Collapsible tube filling machines.\*
  - Cosmetic machinery.
  - Coupon inserting machines.
  - Cut and monumental stone machinery.
  - Milk can machinery.\*
  - Paint processing and manufacturing machinery.\*
  - Soap making machinery.\*
  - Steel drum machinery—except for export purposes.
  - Tobacco machinery.\*
  - Wire-bound box making machinery.
- Spittoons—except as may be permitted under Limitation Orders in the L-30 series.
- Spools, for cord, ribbon or tape—except for adhesive tape and inked ribbon.
- Spools for wire—except traverse and spools used in industrial processing.
- Sporting and athletic goods—(i) except cleats and spikes for athletic shoes; (ii) fishing tackle as permitted under Limitation Order L-92; and (iii) gymnasium equipment for programs approved by the United States Office of Education. Fully fabricated skates may be attached to athletic shoes without restrictions since the order does not regulate such assembly (see paragraph (a) (5)).
- Spray containers, household.
- Sprinkling cans, garden.
- Stadiums.\*
- Stair and threshold treads,\* household, institutional and commercial buildings—except for fire escape, fire towers and essential industrial use.
- Stamped bakery equipment—except as may be permitted under Limitation Orders in the L-30 series.
- Stands, all types—(i) except for essential industrial use; and (ii) except as may be permitted under Limitation Order L-54-c and Schedule 3 of Limitation Order L-214.
- Staple removers—except as may be permitted under Limitation Order L-73.
- Staples—except when made with iron or steel other than stainless steel and in accordance with any applicable orders of the War Production Board.
- Starter shingle strips.
- Statues.
- Steel wool for household use made from material other than waste.
- Stencils.
- Stokers until September 1, 1943—(i) except functional parts; and (ii) except for other parts when made with iron or steel other than stainless steel. Both (i) and (ii) must be in accordance with Limitation Order L-75.
- Stokers, after August 31, 1943—except when made with iron or steel other than stainless steel and in accordance with Limitation Order L-75.
- Storage racks, racks, cabinets or lockers—except when made with iron or steel other than stainless steel and in accordance with any applicable orders of the War Production Board.
- Store display equipment and show cases.
- Store fronts.
- Stoves and ranges, disc stoves and hot plates—(i) except electrical controls, heating units and needle valves; and (ii) except other parts when made with iron or steel other than stainless steel and in accordance with any applicable orders of the War Production Board.
- Stretchers, carpet.
- Stretchers, glove, sock and sweater.
- Structural steel home construction.
- Subway turnstiles.\*
- Sugar cube dryer trays.
- Sugar holders—except as may be permitted under Limitation Orders in the L-30 series.
- Sun dials.
- Sun lamps and infra-red lamps—except as may be permitted under Limitation Order L-259.
- Swimming pool equipment\*, including but not limited to:
- Diving boards.
  - Diving stands.
  - Ladders.
  - Slides.
- Swivel chairs.
- Table name-card holders.
- Table tops for household use—except as may be permitted under Limitation Order L-62.
- Tablets.
- Tags and badges, key, name, price, identification—(i) except personnel identification tags or badges where metal tags or badges are required for the protection of government agencies provided they are made with iron or steel other than stainless steel; (ii) except personnel identification tags or badges containing not more than  $\frac{3}{4}$  ounce of iron and steel where metal tags or badges are required for protection of industrial plants provided they are made with iron or steel other than stainless steel; (iii) except metal tags required for identification of livestock and poultry and products made therefrom provided they are made with iron or steel other than stainless steel; (iv) except pin attached or wire attached tickets for price marking of soft goods; (v) except metal tags for marking and identification of metals in its production, shipment and application provided they are made with iron or steel other than stainless steel; (vi) except license tags for pets; (vii) except name, data, identification and instruction plates for machinery and equipment provided they are made with iron or steel other than stainless steel and in accordance with any applicable orders of the War Production Board; and (viii) except for laundry and dry cleaning identification as may be permitted under Limitation Order L-91.
- Tanks (strapping excluded) for agricultural use—except as may be permitted under Limitation Order L-257.
- Tanks, storage (strapping excluded) for beer.
- Tanks (strapping excluded) for water\*—(i) except for use in tropical climates; (ii) except of a height in excess of 100 feet; (iii) except for range boilers and hot water storage; and (iv) except pneumatic pressure tanks.
- Tank towers (i) except over 20 feet in height supporting more than 100 tons; and (ii) except over 50 feet in height.
- Teapots—except as may be permitted under Limitation Orders in the L-30 series.
- Telephone bell boxes—except bases and where required for safety.
- Telephone booths.
- Telescopes—except for U. S. Government Agencies.
- Tent frames and supports.
- Termite shields—except as may be specified by the War Housing Critical List.
- Terrazzo spacers and decorative strips—except hospital operating rooms.
- Textile machinery—except as may be permitted under Limitation Order L-215.
- Thermometer bases, household.
- Thermometer cases and mountings—except for industrial use and use on heating boilers.
- Thermos jugs and bottles over one quart size.
- Thimbles, sewing.
- Tickers, stock.
- Ticket vending machines\*—except for public transportation.
- Tile, steel-back.
- Toilet floats, cistern and low water-floats—except when made with iron or steel other than stainless steel and in accordance with Limitation Order L-42.
- Tongs, for food handling or for household use.
- Tool boxes and cases—except for industrial use.
- Tool handles—except for power driven tools.
- Traffic lane markers.
- Trailer bodies—except as may be permitted under Limitation Order L-253.
- Transplanting trowels—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before August 14, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.
- Trophies.
- Truck bodies—except as may be permitted under Limitation Order L-253.
- Trunks\*—except as may be permitted under Limitation Order L-284.
- Tub covers.
- Tubs, washing—except when made with iron or steel other than stainless steel and in accordance with Limitation Orders of the L-30 series.
- Turf edgers.
- Typewriter mechanism for pedestal and drop-head desks.
- Umbrellas, garden—except as may be permitted under Limitation Order L-62.
- Umbrella shafts and handles.
- Urinals—except as may be permitted under Limitation Order L-42.
- Valve handles—except when made with iron or steel other than stainless steel.
- Vanity cases—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before August 14, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.
- Vending machines for sanitary napkins—except as may be permitted under Limitation Order L-27-a.
- Ventilators other than louver ventilators of the residential type, for use in walls, except when made with iron or steel other than stainless steel and in accordance with Limitation Order L-142 and other applicable orders of the War Production Board.
- Ventilators, louver, for use in walls, residential type—except when made from shop shearings or trimmings.
- Vibrators, electric—except for industrial use.
- Voting machines.
- Wagon bodies and frames—(i) except for construction use; and (ii) except for agricultural use as may be permitted under Limitation Order L-257.
- Wardrobe trunks—except as may be permitted under Limitation Order L-284.
- Waste paper receptacles.
- Watch straps.
- Water color paint boxes.
- Water stills, household.
- Water troughs—except as may be permitted under Limitation Order L-257.
- Weather stripping.
- Weather vanes.
- Weed cutters and pullers, including dandelion, thistle and dock cutters and pulleys—except when made from steel in the form of re-rolled rail stock.
- Wheelbarrows (parts other than wheels)—except for use in dairies; coal yards and mines; for handling hot materials; forgings and castings.
- Wheel chairs—except frames and wheels.
- Whiskey service sets.

\*Maintenance and repair parts excepted.

Window display advertising.  
 Window shade rollers (parts other than roller mechanism)—except for railway cars.  
 Window stools.  
 Window ventilators—except for industrial and hospital use.  
 Wine coolers.  
 Wine service sets.  
 Wire parcel handles and holders.  
 Wire racks—(i) except for animal cages for biological work; (ii) except for industrial use; (iii) except for scientific laboratory equipment; (iv) except for agricultural use as may be permitted under Limitation Order L-257; and (v) except as may be permitted under Limitation Order L-23-c and L-182.  
 Work benches—(i) except for shipboard use; and (ii) except for industrial use where required for safety.

## LIST C

Access panels—for use on board ship, on military vehicles and artillery items and where climatic or safety conditions make necessary.  
 Access panels of stainless steel for radio equipment.  
 Accessories, soda fountain—for use on board ship.  
 Acoustical ceilings—for use on board ship.  
 Aircraft fire walls—stainless steel permitted where required for non-magnetic properties, or when required as a structural member of aircraft.  
 Attic fans\*—where climatic conditions make necessary.  
 Automobile accessories.  
 Automobile heaters—where specified for military vehicles.  
 Awning frames and supports—for use on board ship, military repair units, hospital installations, and military construction units.  
 Barber chairs—when manufactured in accordance with Navy Department specification 26C6 for use on board ship.  
 Barber shop supplies.  
 Baskets\*—for cooking and manufacturing uses and for ordnance operations.  
 Baths, steam—for use on board ship.  
 B-E shot—for training and shot blast cleaning purposes.  
 Beds—hospital.  
 Beds, other than hospital—only from iron or steel in the form of re-rolled rail stock or Bessemer processed steel.  
 Bench legs.  
 Binoculars.  
 Bird cages—for carrier pigeons.  
 Bird feeders—for carrier pigeons.  
 Bleachers and grandstands—but only straps and necessary fasteners for demountable wooden bleachers and grandstands.  
 Boat hooks.  
 Bobbin heads of non-nickel bearing stainless steel—for use on board ship.  
 Boiler casings of stainless steel\*—for use on board destroyers and where required for corrosion or heat resistance on board ship.  
 Bottle holders—for use on board ship and in hospitals.  
 Boxes, meter, and covers.  
 Brush-backs for bore brushes.  
 Buckets and pails.\*\*  
 Buildings, portable.  
 Cabinets\* for mobile units such as maintenance company equipment (truck mounted), spare parts trucks and mobile reproduction units, and for electrical installations, and as may be permitted under Limitation Orders L-13-a, L-62 and Schedule 3 of L-214.  
 Cabinets of stainless steel for radar equipment.

Cable terminals, fittings and turnbuckles of stainless steel—for aircraft and use on board ship.  
 Canopies, hoods, and supports.  
 Cash boxes.  
 Ceilings—for use on board ship.  
 Chains and cables.\*\*  
 Cigarette lighters—when ordered by the Army Exchange Service, the Bureau of Naval Personnel, and the Marine Corps, for use by the Army, Navy, Coast Guard, Marine Corps, Maritime Commission and War Shipping Administration.  
 Clock bases.  
 Clothes hampers—for use on board ship.  
 Clothing trim.  
 Control levers of stainless steel for aircraft.  
 Conveyor and conveyor chutes for artillery equipment—stainless steel permitted where required.  
 Counter tops and edgings—for use on board ship.  
 Covers and frames, manhole.  
 Covers, meter frame.  
 Culverts—for airports, for use outside continental limits of the U. S. and where certified to the manufacturer or supplier as necessary by the Army or Navy engineer in charge.  
 Cups of all kinds, drinking.  
 Door stops.  
 Dust collecting systems and equipment.  
 Dust covers and enclosures—when specified for military vehicles and artillery items.  
 Erasing knives.  
 Fans of stainless steel—for use on board ship and where required for corrosion resistance.  
 Fences, including chain link, weighing not more than 2 pounds per lineal foot and not more than .33 pounds per square foot.  
 Fence posts from iron or steel in the form of re-rolled rail stock.  
 First aid kit boxes.  
 Flag holders.  
 Flag staffs and flag masts—for use on board ship, and on military vehicles.  
 Flashlights and portable electric lights on fire control instruments.  
 Floor and ceiling plates for piping—for use on board ship, for military vehicles and artillery items, and where climatic or safety conditions make necessary.  
 Fountains, portable, of stainless steel—for use on board ship.  
 Furniture—for use on board ship.  
 Galley and mess equipment of stainless steel, as follows:  
 Canteens.  
 Coffee urns of non-nickel bearing stainless steel.  
 Cold storage space on board ship—but only clad stainless steel for doors and other parts coming in direct contact with food.  
 Compartment mess trays—but only from existing finished stocks of stainless steel.  
 Dishwashing machines—but only tanks, hoods and pump shafts of non-nickel bearing stainless steel.  
 Kettles, steam jacketed—but only single clad stainless steel for inside lining and cover; solid stainless steel for interior baffles, strainer and drain-off fittings, and for covers when two-piece covers are specified.  
 Meat cans and covers.  
 Metal sponges of non-nickel bearing stainless steel wire.  
 Portable water coolers, liners only—non-nickel bearing stainless steel.  
 Pressure cookers—but only clad stainless steel for bottoms and solid stainless steel for sides.  
 Sinks and dresser tops for use on board ship and aircraft—but only clad stainless steel.  
 Steam tables, warming pans and inserts—but only clad stainless steel.  
 Stock pots—but only clad stainless steel.  
 Games.  
 Gates for fences.

Grilles—cewer.  
 Grilles—for use on board ship.  
 Hand seals for documents.  
 Harness and saddlery fittings.  
 Hat frames, wire and gimps.  
 Hat-making machinery, but only—  
 Blocking machines with complete sets of blocks.  
 Sets or dies for cutting parts.  
 Hose clamps of stainless steel—for aircraft.  
 Hose reels.  
 Hot water heater tanks and coils of stainless steel—for aircraft and military vehicles.  
 Ice cube trays.  
 Incinerators.  
 Instrument dials and cases of stainless steel.  
 Ironing boards and stands—for use on board hospital ships.  
 Ladders, step.  
 Laundry trucks and laundry truck tubs—for use overseas, in the field or on shipboard.  
 Lighting equipment for theatres and recreational buildings for the armed forces.  
 Lighting poles and standards for fire control instruments.  
 Linen trucks—for use on board ship.  
 Lockers—for office equipment as limited under Limitation Order L-13-a, for use on board ship, military vehicles, outside continental limits of U. S. and in ordnance plants.  
 Mail boxes—for use on board ship.  
 Measuring pumps and dispensers for gasoline stations and garages, including but not limited to—  
 Air pumps.  
 Gasoline dispensing pumps.  
 Grease guns.  
 Grease pumps.  
 Kerosene pumps.  
 Oil pumps.  
 Mechanical drawing and drafting equipment of stainless steel.  
 Metal cloths.  
 Mirrors, hand—for signal use.  
 Motion picture cameras, projectors and projection equipment—stainless steel permitted for sprockets and aperture plates.  
 Motion picture screen stands.  
 Motion picture sound reproducing equipment.  
 Music stands—for use on board ship.  
 Name, data and instruction plates for machinery, equipment and aircraft—stainless steel permitted if acquired through Steel Recovery Corporation.  
 Paint spray outfits—stainless steel permitted for nozzle tips and needle valves.  
 Partitions—for use in hospitals and on board ship.  
 Partition studs for radar equipment.  
 Pegs, tent.  
 Phonograph motors, hand wound.  
 Phonograph record blanks.  
 Photographic equipment and accessories.\*\*  
 Pipe posts.  
 Pitchers.  
 Plates, light switch, for use on board ship and for artillery and mobile items.  
 Pneumatic tube delivery systems.  
 Portable bathtubs.  
 Pumps, fresh water, for use on board ship.\*\*  
 Pump shafts of stainless steel.  
 Push carts—for ordnance and combat organizations.  
 Radiator enclosures for use on board ship, on military vehicles and on artillery items.  
 Radio antenna of stainless steel.  
 Radio antenna poles—stainless steel permitted for submarines.  
 Railings—for use on board ship.  
 Reels, cable and rope—for combat and field training purposes and for use on board ship.  
 Scaffolding—for use in airfields and other places where use of wood scaffolding is impracticable.  
 Screen frames.  
 Sewer pipe for pressure lines in exterior installations—cast iron only may be used.

\*Maintenance and repair parts excepted.

\*\*Stainless steel also permitted but only where required for corrosion or heat resistance or non-magnetic properties.



Shirt and stocking dryers of cast iron only.  
Sink drainboards, both integral and removable—for use on board ship and where required for sterilization.  
Skewers, all types.  
Spools for wire—for combat and field training purposes.  
Sporting and athletic goods.  
Stair and threshold treads—for use on board ship.  
Stencils.  
Swimming pool equipment and materials for swimming pools for training purposes.  
Swivel chairs—for use on board ship.  
Tags—

For marking ammunition and military equipment.  
Identification tags and badges for personnel.\*\*

Tanks, storage, water—but only for use on board ship, mobile units, range boilers and water storage, of a height in excess of 100 feet, or for pneumatic pressure tanks, or for use outside continental limits of U. S.  
Tanks, water storage, of stainless steel—for use in aircraft.  
Telephone bell boxes—for use on board ship or where climatic or safety conditions make necessary.  
Telephone booths, acoustically treated—for use on board ship.  
Tent frames and supports.  
Termite shields—for use outside continental limits of U. S.  
Thermos jugs and bottles.  
The, steel back—for ladder treads, step plates and use on board ship.  
Tool boxes and cases.  
Tool handles.  
Typewriter mechanism for pedestal and drop-head desks—for use on board ship.  
Waste paper receptacles—for hospital use.  
Water troughs—frame and support only.  
Wheel barrows.  
Wire racks.  
Workbenches.

[F. R. Doc. 43-12976; Filed, August 10, 1943; 11:44 a. m.]

#### PART 1071—INDUSTRIAL AND COMMERCIAL REFRIGERATING AND AIR CONDITIONING MACHINERY AND EQUIPMENT

[Interpretation 1 to General Limitation Order L-38]

The following Interpretation 1 is issued with respect to General Limitation Order L-38:

a. *Orders accepted prior to April 6, 1943.* An "authorized order" includes (in addition to an order authorized on Form PD-830 or PD-831) any order accepted prior to April 6, 1943, and rated A-1-c or higher if the system or parts are produced and delivered in accordance with the provisions of Orders M-9-c and M-126 which were applicable immediately prior to that date. For example: Prior to April 6, Order M-126 prohibited the processing, assembly, and delivery of electric drinking water coolers containing iron or steel, except to fill orders of the United States Army, Navy, Maritime Commission or War Shipping Administration, for coolers for use on board ship, in hospitals and in tropical climates (List C). Therefore electric drinking water coolers fabricated or assembled during the period from the date when such restrictions of M-126 became effective, until April 6, 1943, may be delivered under an order rated A-1-c or higher and accepted prior to April 6, 1943 only if such coolers were produced and are to be delivered for those purposes.

\*\*Stainless steel also permitted but only where required for corrosion or heat resistance or non-magnetic properties.

poses. If produced or to be delivered for any other purpose, their delivery must be specifically authorized.

b. *Change in type of refrigerant.* Paragraph (b) (1) does not prevent the substitution of one type of refrigerant for another if the change does not involve the delivery of any "parts". The restrictions of paragraph (b) (1) apply only to "parts" and the term "parts" is defined in paragraph (a) (2) to exclude liquid or gaseous refrigerants. For example: Where the owner of a system is unable to obtain a chlorinated hydrocarbon refrigerant to keep it in operation, methyl chloride may be substituted as a refrigerant (in so far as Order L-38 is concerned), if no additional "parts" are installed. However, if the change involves the installation of an expansion valve or other "part", it may be made only in accordance with paragraph (b) (1). Moreover, if the "part" which is being replaced is still usable, compliance with paragraph (b) (1) can be had only under subdivision (c) or (d) of the paragraph.

Issued this 10th day of August 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-12985; Filed, August 10, 1943; 11:44 a. m.]

#### PART 3132—PROCESSORS OF METAL SCRAP

[Preference Rating Order P-136 as Amended August 10, 1943]

Section 3132.1 *Preference Rating Order P-136* is hereby amended to read as follows:

§ 3132.1 *Preference Rating Order P-136—(a) Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(2) "Processor" means any person operating an automobile graveyard or scrap yard physically situated within the limits of the United States or Canada.

(3) "Material" means any commodity, equipment, accessory, part, assembly, or product of any kind.

(4) "Maintenance" means the minimum upkeep necessary to continue a facility in sound working condition, and "repair" means the restoration of a facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts or the like: *Provided*, That neither maintenance nor repair shall include the improvement of any plant, facility or equipment, by replacing material which is still usable, with material of a better kind, quality or design, except as provided in paragraph (a) (6) of this order.

(5) "Operating supplies" means any material or products which are normally carried by a person as operating supplies according to established accounting practice and are not included in his finished product, except that materials included in such product which are normally chargeable to operating expense may be treated as operating supplies. The term shall also include such items as hand tools, customarily purchased by the particular employer for sale to his employees for use only in his business, in those cases where they would constitute operating supplies under established accounting practice if issued to employees without charge.

(6) Minor capital additions may be obtained under the procedures established by this order where the cost of such addition does not exceed \$250 (excluding the purchaser's cost of labor) for any one complete capital addition. The term "one complete capital addition" includes a group of items customarily purchased together and all items which would normally be purchased as part of a single project or plan. No capital addition shall be subdivided for the purpose of coming within this paragraph, and where the capital addition involves construction authorization to construct must be obtained to the extent required by Conservation Order L-41 or by any other applicable order or regulation of the War Production Board.

(b) *Assignment of preference ratings.* Subject to the terms of this order, processors shall use the rating AA-2 for deliveries to them of material for repairs to, maintenance of, or operating supplies for, equipment used solely for locating, processing or transporting metal scrap, but nothing herein contained shall prevent the use of any other or higher rating to which any processor may be entitled by reason of any preference rating certificate or order, other than CMP Regulation No. 5.

(c) *Certificates on rated purchase orders or contracts.* (1) The ratings assigned under paragraph (b) of this order may be applied by a processor only by use of a certificate in substantially the following form (in lieu of the endorsements specified in CMP Regulation No. 5), signed manually or as provided in Priorities Regulation No. 7:

Preference Rating AA-2—MRO—P-130 No. \_\_\_\_\_ (show serial number). The undersigned certifies subject to the penalties of Section 35 (A) of the United States Criminal Code, to the seller and to the War Production Board, that all materials and items covered by this order are required for essential repairs to, maintenance of, or operating supplies for, equipment used for the sole purpose of locating, processing or transporting metal scrap; and that this order is rated and placed in compliance with Preference Rating Order P-136.

(2) An order for a controlled material endorsed in accordance with subparagraph (1) of this paragraph (c) shall constitute an authorized controlled material order.

(3) No processor shall apply the preference rating or allotment symbol assigned by this order for the acquisition of aluminum in any of the forms or shapes constituting a controlled material.

(d) *Use of preference rating and allotment symbol.* No processor shall apply any preference rating or allotment symbol assigned by this order until:

(1) He shall have filed with the Scrap Processors Branch, Salvage Division, War Production Board, a statement in the form prescribed by the War Production Board, setting forth amounts of raw material used for repair, maintenance and operating supplies for the pre-

ceding calendar quarter, inventories of such material at the beginning and end of such period, and an estimate of the requirements of such material for the current quarter, and further stating that he accepts the terms and conditions of this order; and

(2) He shall have received from the Scrap Processors Branch, War Production Board, a serial number which shall thereafter be endorsed on all purchase orders or contracts for material by him or for his account which are rated pursuant to this order. Serial numbers which heretofore have been or hereafter are assigned to any processor may be revoked by the War Production Board at any time.

(e) *Restrictions on use of rating.* No processor may apply any rating or allotment symbol hereby assigned to obtain delivery of material on earlier dates than required for the operation, maintenance or repair of his equipment.

(f) *Quantity restrictions.* (1) No processor who uses the preference rating or allotment symbol assigned by this order to obtain any maintenance, repair or operating supplies shall order for delivery during any calendar quarter maintenance, repair or operating supplies in an aggregate amount exceeding 30 percent of his aggregate expenditures for maintenance, repair and operating supplies during the calendar year 1942 (or his fiscal year ending nearest to December 31, 1942). In determining the dollar amount of expenditures for maintenance, repair and operating supplies permitted under this paragraph (f) there shall be included not only expenditures for which the preference rating or allotment symbol hereby assigned is required, but also expenditures for supplies which may be obtained without the use of such rating or symbol, plus amounts expended in acquiring minor capital additions under paragraph (a) (6) of this order. Expenditures during the base period may be computed in the same fashion.

(2) In the case of a plant or other operating unit which was not in operation during the base period specified in subparagraph (1) of this paragraph (f), the processor operating the same may take, as a base, his expenditures for maintenance, repair and operating supplies during the first quarter of 1943, or during the portion thereof when the plant or unit was in operation, reasonably adjusted for seasonal or other variable factors: *Provided*, That he first notifies the War Production Board in writing of the base which he is taking, the reasons therefor, and the nature of any adjustments made.

(3) The quantity restrictions imposed in this paragraph (f) shall not apply to processors whose aggregate requirements for maintenance, repair and operating supplies do not exceed \$500 per year.

(g) *Relief.* (1) Any processor who feels that the preference rating assigned by this order is inadequate to permit him to acquire materials needed for maintenance, repair or operating supplies, may apply for relief by filing form WPB-541 (formerly PD-1A) with the nearest District Office of the War Production Board.

(2) Any processor who feels that any other provision of this order, including the quantity restrictions imposed by paragraph (f), works a hardship on him, may apply for relief by filing a letter in triplicate stating fully the grounds of such appeal.

(h) *Resale of material prohibited.*—Except with specific permission of the War Production Board, a processor shall not resell any material acquired for repair, maintenance or operating supplies (whether or not obtained pursuant to the rating or allotment symbol assigned by this order); *Provided*, That nothing herein contained shall prohibit sale by the processor of used material acquired prior to October 31, 1942.

(i) *Several operating units under single ownership.* A processor who has several plants or other operating units which maintain separate records of maintenance, repair and operating supplies shall treat each of them separately for purposes of this order.

(j) *Inventory restrictions.* Nothing in this order shall be deemed to authorize any processor to receive any delivery of maintenance, repair or operating supplies if acceptance thereof would increase his inventory above a practicable working minimum as provided in § 944.14 of Priorities Regulation No. 1, or would exceed the inventory limitations prescribed for such processor by CMP Regulation No. 2, or by any other applicable regulation or order of the War Production Board.

(k) *Restriction on use of rating and symbol.* The preference rating and allotment symbol assigned by this order shall not be applied to deliveries of any of the items appearing on List B of Priorities Regulation No. 3, as amended from time to time, regardless of whether or not such items are required for maintenance, repair or operating supplies. For convenience of reference, there is set forth in List 1 attached hereto items appearing in List B of Priorities Regulation No. 3 which are of particular interest to processors; however, Priorities Regulation No. 3 shall be controlling with respect to the application of the preference rating and allotment symbol hereby assigned.

(l) *CMP Regulation No. 5 not applicable.* None of the provisions of CMP Regulation No. 5 shall apply to any processor, as defined in paragraph (a) (2) of this order, and no such processor shall obtain any material under such regulation.

(m) *Records, audits and reports.* Each processor and each supplier shall keep and preserve for a period of not less than two years accurate and complete records of all transactions affected by this order and shall submit such records from time to time to audit and inspection by duly authorized representatives of the War Production Board. Each processor and each supplier shall execute and file with the War Production Board or other designated agency such reports and in such form as the War Production Board shall from time to time require, subject to the approval of the

Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

(n) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(o) *Revocation or modification.* This order may be revoked or modified by the War Production Board at any time as to any processor or supplier. In the event of revocation or modification, deliveries already rated pursuant to this order shall be completed in accordance with said rating, unless said rating has been specifically revoked or modified with respect thereto. No additional application of said rating to any other deliveries shall thereafter be made by any processor or supplier affected by such revocation or modification.

(p) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed be addressed to: War Production Board, Salvage Division, Washington 25, D. C., Reference P-136.

Issued this 10th day of August 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

#### LIST 1

List B attached to Priorities Regulation No. 3 prohibits the application of preference ratings to the delivery of the following items, among others, as maintenance, repair and operating supplies. The following list is included for convenience of reference only, and the preference rating and allotment symbol assigned by this order may not be used to acquire any items set forth in List B of Priorities Regulation No. 3, as amended from time to time.

1. Anti-freeze, all types.
2. Automotive maintenance equipment as defined in Limitation Order L-270.
3. Automotive replacement batteries as defined in Limitation Order L-150.
4. Automotive replacement parts as defined in Limitation Order L-153.
5. Construction machinery costing in excess of \$100.00.
6. Containers, fabricated, other than shipping reels and skids (in knock-down or set-up forms whether assembled or unaccombed) required for packaging products to be shipped or delivered.
7. Filing cabinets, wooden.
8. Fire protective equipment.
9. Furniture for use in offices, factories or industrial establishments.
10. Galvanized ware governed by Limitation Order L-30-a (except for funnels, oil and gasoline cans having a capacity of from 1 to 5 gallons, inclusive, and flexible spout measures).
11. Laboratory instruments and equipment (except ratings assigned by Preference Rating Order P-43, P-83, and P-83-b).
12. Lockers, wooden, for offices and factories.
13. Pails and tubs, wooden, including wooden mop pails.

14. Printing and publishing:
  - a. Printed matter including items such as letterheads, envelopes, forms and printed and ruled stationery;
  - b. Processed printing plates;
  - c. Types metal, stereotyping metal and electrotype backing-metal;
  - d. Printing paper, paperboard and binders' board;
  - e. Book cloth;
  - f. Blank-book and loose-leaf binders, metal parts and units;
  - g. Mechanical bindings.
15. Wooden shelving.
16. Any device, equipment, instrument, preparation or other material designed or adapted for use in connection with:
  - a. Air raid warnings or detection of the presence of enemy aircraft; or
  - b. Black-outs or dim-outs; or
  - c. The protection of civilians, either individually or collectively, against enemy action or attack.
17. Fuel.
18. Pens, fountain.
19. Pencils, mechanical.
20. Pencils, wood cased.
21. Pen nibs, steel.
22. Pen holders.

[F. R. Doc. 43-12977; Filed, August 10, 1943; 11:45 a. m.]

**PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN**  
[Direction 24 to CMP Reg. 1]

**STEEL FURNISHED BY FABRICATORS ON CONSTRUCTION PROJECTS**

The following Direction 24 is issued pursuant to CMP Regulation 1.

(a) Steel shapes, plates, bars, concrete reinforcing bars, and wire products used for concrete reinforcement, in controlled material form, on which one or more of the services listed in paragraph (d) (3) of this direction have been performed by the fabricator, or which have been cut to specific size or length for a specific construction project by the fabricator, are to be treated as Class A products instead of as controlled materials.

(b) Steel shapes, plates, bars, concrete reinforcing bars, and wire products used for concrete reinforcement, furnished in controlled material form by a fabricator under this direction must nonetheless be treated as a controlled material by the customer of the fabricator for the purpose of the inventory restrictions of CMP Regulation No. 2.

(c) This direction does not apply to that portion of a fabricator's operations which is subject to any order or regulation governing the distribution of steel from, or the procurement of steel for, warehouse stocks. The term "warehouse" is used in this direction in the same sense as "distributor" as defined in CMP Regulation No. 4.

(d) For the purpose of this direction, a fabricator is a person principally engaged in the business of furnishing fabricated steel, who

(1) Maintains a stock of steel shapes, plates, bars, concrete reinforcing bars or wire products used for concrete reinforcement; and

(2) Is equipped to render engineering services in connection with the furnishing of such steel; and

(3) Operates a fabricating plant in which he performs one or more of the following operations:

- (a) Forming
- (b) Bending
- (c) Punching
- (d) Welding
- (e) Riveting
- (f) Bolting
- (g) Painting.

Issued this 10th day of August 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-12978; Filed, August 10, 1943; 11:45 a. m.]

**PART 3258—METHYL ISOBUTYL KETONE**  
[General Preference Order M-322 as Amended August 10, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of methyl isobutyl ketone for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3258.1 *General Preference Order M-322*—(a) *Definitions*. (1) "Methyl isobutyl ketone" means the chemical known by that name or by the name hexone.

(2) "Producer" means any person engaged in the production of methyl isobutyl ketone and includes any person who has methyl isobutyl ketone produced for him pursuant to toll agreement.

(3) "Distributor" means any person who purchases methyl isobutyl ketone for resale without further processing.

(4) "Supplier" means a producer or distributor.

(b) *Restrictions on delivery*. (1) On and after June 1, 1943, no supplier shall deliver methyl isobutyl ketone to any person except as specifically authorized or directed in writing by War Production Board. No person shall accept delivery of methyl isobutyl ketone which he knows or has reason to believe is delivered in violation of this order.

(2) Authorizations or directions with respect to deliveries to be made in each calendar month by suppliers will so far as practicable be issued by War Production Board prior to the commencement of such month (in the normal case on Form PD-602 filed pursuant to paragraph (f) (1) hereof), but War Production Board may at any time issue directions with respect to deliveries to be made.

(3) In the event that any supplier after receiving notice from War Production Board with respect to a delivery of methyl isobutyl ketone which he is authorized or directed to make to any specific customer or group of customers, shall for any reason be unable or unwilling to make such delivery, such supplier shall forthwith give notice of such fact to War Production Board, Chemi-

cals Division, Washington 25, D. C., Ref: M-322, and shall not, in the absence of specific authorization or direction in writing from War Production Board, sell or otherwise dispose of such methyl isobutyl ketone.

(c) *Restrictions on use*. (1) On and after June 1, 1943, no supplier shall use methyl isobutyl ketone except as specifically authorized or directed in writing by War Production Board.

(2) Each person who with an order for methyl isobutyl ketone furnishes a certificate required by paragraph (e) (1) shall use the methyl isobutyl ketone delivered on such order only as specified in such certificate, except as otherwise specifically authorized or directed in writing by War Production Board.

(3) War Production Board may from time to time issue directions with respect to the use or uses which may or may not be made of methyl isobutyl ketone to be delivered to, or then in the inventory of, the prospective user.

(d) *Exceptions to requirements for specific authorizations*. Notwithstanding the provisions of paragraph (b) (1) hereof, specific authorization in writing of War Production Board shall not be required for the delivery by any supplier to any one person in any calendar month of not more than 54 gallons: *Provided, however*, That the aggregate quantity of methyl isobutyl ketone which any supplier may deliver in any calendar month pursuant to this paragraph (d) shall not exceed the quantity which War Production Board shall in writing have specifically authorized or directed such supplier to deliver in such month under this paragraph (d), on application made by such supplier (in the normal case on Form PD-602 filed pursuant to paragraph (f) (1) hereof).

(e) *Customer's certificate of intended use*. (1) No supplier shall in any calendar month deliver to any one person more than 54 gallons of methyl isobutyl ketone unless, prior thereto, he shall have received from such person a certificate in substantially the following form:

The undersigned purchaser hereby certifies to War Production Board and to his supplier, pursuant to Order M-322, that the methyl isobutyl ketone hereby ordered for delivery in \_\_\_\_\_, 194\_\_\_\_, will be \_\_\_\_\_ month

used by him in the manufacture or preparation of the following product(s), and that such product(s), on the basis of an order or orders filed with the undersigned, will be put to the following end use(s):

Pounds	Primary product	End use
(A) _____	_____	_____
(B) _____	_____	_____
Name of purchaser _____		
By _____		
Date _____	Duly authorized official _____	Title _____

Such certificate need not be filed with War Production Board. It may be inscribed on the purchaser's order or take the form of a separate instrument but in either case shall be signed by an authorized official of the purchaser either manually or as provided in Priorities Regulation No. 7. No supplier shall deliver methyl isobutyl ketone where he knows or has reason to believe the purchaser's certificate to be false, but in the absence of such knowledge or reason to believe, he may rely on the certificate.

(2) In filling out the certificate called for by paragraph (e) (1), purchaser will specify under "Primary product" the product or products in the manufacture of which he will use methyl isobutyl ketone in terms of the following:

Denaturant  
Lacquer manufacture  
Thinner manufacture  
Others (specify)  
Resale (as methyl isobutyl ketone)

Under "End use", the purchaser will specify the end or ultimate use to which the primary product manufactured by him will be put, and will also indicate whether such ultimate use will be Army, Navy, other government agency, Lend-Lease, other export or civilian, and he will also list Army, Navy and Lend-Lease contract numbers and export license numbers. Quantities for each primary product and for each different end use for each primary product must be shown separately. If purchase is for resale, specify "resale" under "primary product" and leave blank "end use" column.

(f) *Applications and reports.* (1) Each supplier requiring authorization to make delivery of, or to use, methyl isobutyl ketone during any calendar month, beginning with July, 1943, shall file application on or before the 20th day of the preceding month. Applications with respect to delivery or use in June, 1943, shall be filed as many days as possible before the commencement of such month. In any case applications shall be made on Form PD-602 in the manner prescribed therein, subject to the following special instructions:

(i) Copies of Form PD-602 may be obtained at local field offices of the War Production Board.

(ii) An original and three copies shall be prepared of which the original and two copies shall be filed with War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-322, the third copy being retained for applicant's files. The original filed with the War Production Board shall be manually signed by a duly authorized official.

(iii) In the heading, under "Name of chemical", specify "Methyl isobutyl ke-

tone"; leave blank the space following "Grade"; under "WPB Order No.", specify "M-322"; indicate month and year during which deliveries covered by the application are to be made; under "Unit of measure", specify "pounds"; under name of company, applicant will specify his name and the address of the plant or warehouse from which shipment will be made.

NOTE: Paragraph (f) (III) amended August 10, 1943.

(iv) In Column 1 (except as provided in subparagraph (v)) list names of customers from whom orders for delivery during the month to which the application relates have been received. If it is necessary to use more than one sheet to list customers, number each sheet in order and show grand total for all sheets on last sheet, which is the only one that need be certified.

(v) Applicant need not list the name of any customer to whom not more than 54 gallons of methyl isobutyl ketone is to be delivered in the applicable month. Instead, applicant will state in Column 1 "Total small order deliveries (estimated)" and in Column 4, will specify the total estimated quantity so to be delivered.

(vi) A producer requiring permission to use a part or all of his own production of methyl isobutyl ketone shall list his own name as customer in Column 1 on Form PD-602, specifying quantity required and product manufactured. Written approval of War Production Board on such Form PD-602 shall constitute authority to the producer to use methyl isobutyl ketone in the quantity and for the purposes indicated in such approved Form.

(vii) Except as otherwise provided in subdivision (v), applicant will specify in column 1-a, primary product to be manufactured, its end use, whether the end use is Army, Navy, other government agency, Lend-Lease, other export, or civilian, and Army, Navy, and Lend-Lease contract numbers and export license numbers, all as indicated by the certificate filed with applicant pursuant to paragraph (e).

(viii) Leave Column 6 blank.

(ix) Each producer will report production, deliveries and stocks as required by Table II, Columns 9 to 16, inclusive. Distributors will fill out only Columns 10, 12 and 13. Producers and distributors will leave Column 8 blank.

(2) War Production Board may issue other and further directions with respect to preparing and filing Form PD-602.

(g) *Miscellaneous provisions.* (1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(2) *Violations.* Any person who willfully violates any provision of this or-

der, or who, in connection with this order willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-322.

Issued this 10th day of August 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-12373; Filed, August 10, 1943; 11:44 a. m.]

#### PART 3238—ALLYL CHLORIDE AND ALLYL ALCOHOL

[Allocation Order M-342]

The fulfillment of the requirements for the defense of the United States has created a shortage in the supply of allyl chloride and allyl alcohol for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

#### § 3298.1 Allocation Order M-342—

(a) *Definitions.* For the purpose of this order:

(1) "Allyl chloride" means allyl chloride from whatever source derived.

(2) "Allyl alcohol" means allyl alcohol from whatever source derived.

(3) "Supplier" means any person who produces allyl chloride or allyl alcohol, or who purchases allyl chloride or allyl alcohol for resale as such.

(b) *Restrictions on delivery and acceptance of delivery.* On and after September 1, 1943:

(1) No supplier shall deliver allyl chloride or allyl alcohol, except as specifically authorized in writing by the War Production Board, upon application pursuant to Appendix A.

(2) No person shall accept delivery of more than 50 pounds of allyl chloride and allyl alcohol together from all suppliers during any calendar month, except as specifically authorized by the War Production Board, upon application pursuant to Appendix B.

(c) *Restrictions on use.* On and after September 1, 1943, no person shall use allyl chloride or allyl alcohol except as follows:

(1) As specifically authorized in writing by the War Production Board upon application pursuant to Appendix B; or

(2) For any purpose, during any calendar month in which such person uses

not more than 50 pounds of allyl chloride and allyl alcohol together.

(d) *Special directions.* The War Production Board, at its discretion, may at any time issue special directions to any person with respect to:

(1) Use, delivery or acceptance of delivery of allyl chloride or allyl alcohol; or

(2) Production of allyl chloride or allyl alcohol; or

(3) Preparation and filing of application forms required by Appendices A and B.

(e) *Notification of customers.* Each supplier is requested to notify his regular customers as soon as possible of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(f) *Miscellaneous provisions.*—(1) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable War Production Board regulations, as amended from time to time.

(2) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries shall apply only to deliveries to other persons, notwithstanding the provisions of Section 944.12 (intra-company deliveries) of Priorities Regulation No. 1, as amended.

(3) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact, or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further delivery of, or from processing or using, material under priority control, and may be deprived of priority assistance.

(4) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C., Ref. M-342.

Issued this 10th day of August 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

#### APPENDIX A—INSTRUCTIONS FOR FILING APPLICATION TO DELIVER ALLYL CHLORIDE AND ALLYL ALCOHOL

(1) Each supplier seeking authorization to deliver allyl chloride or allyl alcohol may file application on Form WPB-2946 (formerly PD-601)\*, in the manner prescribed therein,

\*Form WPB-2945 (formerly PD-600) and Form WPB-2946 (formerly PD-601) have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

subject to the following instructions for the purpose of this order:

*Form WPB-2946 (formerly PD-601)\*.* Copies of Form WPB-2946 (formerly PD-601) may be obtained at local field offices of the War Production Board.

*Time.* Application shall be filed or mailed in time to ensure that copies will have reached the War Production Board on or before the 20th day of the month preceding the month for which authorization to make delivery is sought.

*Number of copies.* Four copies shall be prepared, of which one shall be retained by the applicant and three copies (one certified) shall be forwarded to the War Production Board, Chemicals Division, Washington 25, D. C., Reference M-342.

*Number of sets.* A separate set of forms may be filed for each plant of the supplier, but a single set of forms may be submitted for allyl chloride and allyl alcohol together.

*Heading.* Under name of chemical, specify allyl chloride and/or allyl alcohol; under War Production Board order number, specify M-342; specify allocation month; under unit of measure, specify pounds; and otherwise fill in as indicated.

*Table I.* Fill in as indicated, specifying each customer who filed a WPB-2945 (formerly PD-600) form with the applicant supplier. An aggregate quantity may be requested, without specifying customers' names, for delivery on uncertified small orders of 50 pounds or less per person per month.

*Table II.* Fill in as indicated for each grade of allyl chloride or allyl alcohol specified in Column 3 of the application.

(2) *Special instructions for small distributors.* Any distributor may deliver allyl chloride and allyl alcohol on uncertified small orders of 50 pounds or less without application, or specific authorization, if he himself acquired the allyl chloride and allyl alcohol on such an uncertified small order, or if he acquired it pursuant to specific authorization for the purpose of filling such uncertified small orders.

#### APPENDIX B—INSTRUCTIONS FOR FILING APPLICATION FOR AUTHORIZATION TO USE OR ACCEPT DELIVERY OF ALLYL CHLORIDE OR ALLYL ALCOHOL

Each person seeking authorization to use or accept delivery of allyl chloride or allyl alcohol may file application on Form WPB-2945 (formerly PD-600)\*, in the manner prescribed therein, subject to the following instructions for the purpose of this order:

*Form WPB-2945 (formerly PD-600)\*.* Copies of Form WPB-2945 (formerly PD-600) may be obtained at local field offices of the War Production Board.

*Time.* Application shall be made in time to ensure that copies will have reached the supplier (or the War Production Board, if applying for use only) on or before the 12th day of the month preceding the month for which authorization to use or accept delivery is requested.

*Number of copies.* Five copies shall be prepared, of which one shall be retained by the applicant, one (with Tables II, III and IV left blank) shall be forwarded to the supplier, and three copies shall be forwarded to the War Production Board, Chemicals Division, Washington 25, D. C., Reference M-342.

*Number of sets.* A separate set of forms shall be submitted for each supplier, for each plant of the applicant, and for allyl chloride and allyl alcohol, respectively.

*Heading.* Under name of chemical, specify allyl chloride or allyl alcohol, as the case may be; under War Production Board order number, specify M-342; under unit of measure, specify pounds; and otherwise fill in as indicated.

*Table I.* Specify in the heading the month and year for which authorization for acceptance of delivery or use is sought.

*Column 1.* Leave blank.

*Column 2.* Specify pounds requested for each primary product and product use specified in Columns 3 and 4 of the application.

*Column 3.* Fill in as follows:

For orders on hand:

\*Primary product.

Resale.

Export.

For anticipated orders:

\*Primary product.

Resale.

Export.

*Inventory (in original form).*

\*The primary products referred to above shall be specified as follows:

(For allyl chloride):

Allyl alcohol.

Allyl bromide.

Monochlorohydrin.

Dichlorohydrin.

Epichlorohydrin.

Other (specify).

(For allyl alcohol):

Allyl bromide.

Clear glazing resin.

Laminating resin.

Other (specify).

*Column 4.* Opposite each primary product listed in Column 3, specify in Column 4 the product end use and governing military or Lend-Lease contract number, if any. Examples of end uses are gas mask lenses, airplane windows, wing tip assembly (specify plane type number). If for research, specify only "experimental".

Where application is made for use or acceptance of delivery of allyl chloride for the production of allyl alcohol (Column 3), the applicant may specify in Column 4 "resale upon authorization", or may specify in Column 4 the primary product and end use of such allyl alcohol if the applicant is to consume it in his own operations.

Opposite "Resale" or "Inventory" in Column 3, write in Column 4 "subject to further authorization".

Opposite "Export" in Column 3, specify in Column 4 the name of the individual, company or governmental agency to whom or for whose account the allyl chloride or allyl alcohol will be exported, the country of destination and governing export license or contract numbers, unless Lend-Lease, in which case merely specify the Lend-Lease contract or serial number.

*Columns 9 and 10.* Leave blank.

*Table II.* Fill in as indicated.

*Table III.* Leave blank.

*Table IV.* Fill in as indicated for each primary product listed in Column 3 of the application, except products under direct allocation.

[F. R. Doc. 43-12980; Filed, August 10, 1943; 11:44 a. m.]



## Chapter XI—Office of Price Administration

## PART 1340—FUEL

[Rev. MPR 122,<sup>1</sup> Amdt. 10]

## SOLID FUELS SOLD AND DELIVERED BY DEALERS

A statement of considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Revised Maximum Price Regulation No. 122 is amended in the following respects:

1. In § 1340.251 (a) (1), the words, "by the producer or distributor" are deleted.

2. In § 1340.254, the headnote of paragraph (a) is amended to read: "*How to use the maximum price rules of paragraphs (b) and (c).*"

3. In § 1340.254, the headnote of paragraph (b) is amended to read: "*The maximum price rules for fuels.*"

4. In § 1340.254 (a), after the words, "... are stated in § 1340.256", a new sentence is added to read as follows: "Rules 5 and 6 are to be used for calculating the maximum prices for services rendered by the dealer in connection with his sales of fuels."

5. In § 1340.254 (b), a new undesignated paragraph is added after the second undesignated paragraph to read as set forth below:

If the dealer did not deliver a certain size of a kind of fuel to any class of purchasers during December 1941, his maximum price for sales of that size shall be based upon his maximum price for a like sale of that kind of fuel adjusted to reflect his customary price differential between that size and the size of the same kind of fuel most nearly similar thereto.

6. In § 1340.254, new paragraph (c) is added to read as follows:

(c) *The maximum price rules for services.*

*Rule 5.* The maximum price for any service rendered by a dealer in connection with a sale or handling of solid fuel shall be the highest price charged by the dealer during December 1941 for the same service. If, during December 1941, the dealer rendered any service without charge, he shall continue to do so. Although a dealer may have, during December 1941, rendered other services than those here enumerated, dealers customarily render these services subject to this regulation: carry, wheel, trimming and storing in the bin, bagging, shovel and dust treatment of coal.

*Rule 6.* If a dealer did not render a service during December 1941, his maximum price for such a service shall be the price set by the regional office of the Office of Price Administration. The dealer shall apply to the regional office stating in writing:

First: a description of the services to be rendered;

Second: the classes of purchasers to whom it will be rendered;

Third: a proposed price for the service which shall be shown to the satisfaction of the Regional Administrator to be reasonably computed in relation to charges for similar services by other dealers in the locality and

to be reasonable in relation to the actual costs the dealer will incur in rendering the service.

Fourth: any other pertinent information the regional office may request.

7. Section 1340.255 (a) (2) is amended to read as follows:

(2) "The highest price charged by the dealer" means the highest price he charged for a like sale of fuel delivered during December 1941 and, in the case of a service, means the highest price he charged for the same service he rendered during the same month.

8. In Rule 3 in § 1340.254 (b), the words, "plus not more than five (5) cents per net ton if he would then have used rail transportation" are deleted and the comma preceding the deleted words is changed to a period.

This amendment shall become effective August 14, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of August 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-12919; Filed, August 9, 1943; 3:24 p. m.]

## PART 1340—FUEL

[MPR 169,<sup>1</sup> Amdt. 16]

## BITUMINOUS COAL SOLD FOR DIRECT USE AS BUNKER FUEL

A statement of considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation No. 189 is amended in the following respects:

1. The last sentence of § 1340.313 (a) (5) is amended to read as follows:

On and after May 25, 1943, there shall not be so added all or any part of the freight rate increase authorized either by the Interstate Commerce Commission on March 18, 1942, in Ex Parte 148, or by any state freight rate regulatory body and based on Ex Parte 148.

2. Section 1340.313 (b) (5) is amended to read as follows:

(5) On and after May 25, 1943, the maximum prices established by this paragraph (b) shall be reduced by the amount of the freight rate increase authorized either by the Interstate Commerce Commission on March 18, 1942 in Ex Parte 148, or by any state freight rate regulatory body and based on Ex Parte 148.

This amendment shall be effective as of August 14, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 9th day of August 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-12918; Filed, August 9, 1943; 3:25 p. m.]

<sup>1</sup> 8 F.R. 2973, 5566, 6444, 6342, 8504, 8630.

## PART 1340—FUEL

[MPR 323,<sup>1</sup> incl. Amdt. 6]

## ASPHALT AND ASPHALT PRODUCTS

Sections 1340.353 (c), (d); 1340.356, 1340.357, 1340.359, 1340.360 (e), 1340.370 (a), (b) amended by Amendment 6, effective August 14, 1943, so that Maximum Price Regulation 323 shall read as follows:

In the judgment of the Price Administrator all asphalt and asphalt products sold in the United States should be placed under one specific dollars-and-cents maximum price regulation as far as possible. In issuing this Maximum Price Regulation No. 323 the Price Administrator has ascertained and given due consideration to the prices of asphalt and asphalt products prevailing between October 1 and October 15, 1941 and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator, the maximum prices established by this regulation are generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the consideration involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 323, Asphalt and Asphalt Products, is hereby issued.

Sec.	CONTENTS
1340.351	Sales of asphalt and asphalt products at higher than maximum prices prohibited.
1340.352	To what transactions and persons this regulation is applicable.
1340.353	Maximum bulk prices for standard products.
1340.354	Maximum bulk prices for special products.
1340.355	Changes in ingredients and changes in costs of purchased ingredients.
1340.356	Packaged asphalt. Maximum prices for producers, except roofing mfg.
1340.357	Sales by resellers, roofing manufacturers and sales f. o. b. a warehouse or a bulk plant.
1340.358	Other retail sales.
1340.359	Terminals.
1340.360	Definitions.
1340.361	Shipments by insulated tank cars.
1340.362	Tank truck sales.
1340.363	Maximum prices on delivered basis.
1340.364	Brokerage or commissions.
1340.365	Conversion table.
1340.366	Adjustable pricing.
1340.367	Transfers of business or stock in trade.

<sup>1</sup> 8 F.R. 2101.

\* Statements of considerations are also issued simultaneously with the issuance of amendments. Copies may be obtained from the Office of Price Administration.

\* Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 8 F.R. 440, 1200, 3524, 4510.

## Sec.

1340.368	Federal and state taxes.
1340.369	Applications for adjustment or petitions for amendment.
1340.370	Reports, records and petitions.
1340.371	Enforcement and licensing.
1340.372	Evasion.
1340.373	Export and import sales.
1340.374	Effective date.

AUTHORITY: §§ 1340.351 to 1340.374 inclusive, issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

§ 1340.351 *Sales of asphalt and asphalt products at higher than maximum prices prohibited.* (a) On and after February 20, 1943, regardless of any contract or other obligation no person shall sell or deliver and no person shall buy or receive in the course of trade or business any asphalt or asphalt product at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer, or attempt to do any of these things.

(b) Prices lower than the maximum prices may, of course, be charged and paid.

§ 1340.352 *To what transactions and persons this regulation is applicable—*(a) *What transactions are covered.* This regulation covers all sales and deliveries of asphalt and asphalt products either by refiners, resellers, distributors, roofers, retailers, or by any other persons.

(b) *What persons are covered.* Any person selling asphalt or asphalt products is subject to the regulation. The term "persons" includes any individual, corporation, partnership, association or any other organized group of persons; their legal successors and representatives; the United States or any other government or any political subdivision or any agency of the foregoing.

§ 1340.353 *Maximum bulk prices for standard products—*(a) *Use of reference points explained.* The reference points and prices listed in Tables I and II below are for the sole purpose of determining maximum prices f. o. b. refinery. If the refinery is located at a reference point, then the maximum f. o. b. price for that refinery is the price listed in the table for that reference point. If the refinery is not located at a reference point, then to establish the maximum price on any standard grade of asphalt locate the reference point geographically (air line) closest to the refinery in question; the prices indicated at this reference point are the maximum prices f. o. b. that refinery.

*Example:* A refiner at Robinson, Illinois wants to determine his maximum price for asphalt cement 100-300 penetration f. o. b. refinery. The map indicates that St. Louis, Missouri is the closest reference point. The table shows that the price is \$12.50 per ton for the St. Louis reference point. Therefore, the maximum price f. o. b. the Robinson refinery for this grade of asphalt cement is \$12.50.

(b) *Limitation on the price of roofing flux and oxidized asphalt.* Normally, a

seller is permitted to charge his maximum f. o. b. refinery price as determined by Table I or II, even though the laid-down cost to the buyer may exceed what his laid-down cost would have been had he purchased from some other refinery. To this general principle there is one exception, namely, a refiner must make a reduction in his maximum f. o. b. refinery bulk price when all of the following circumstances are present.

(1) The sale is of roofing flux or oxidized asphalt; and

(2) The refinery nearest the destination has a different reference point from the refinery making the shipment; and

(3) The sum of the maximum f. o. b. price at the refinery from which a shipment is made plus the rail freight cost from that refinery to the destination exceeds the sum of the maximum f. o. b. price at the refinery producing roofing flux or oxidized asphalt nearest to that destination plus the rail freight cost from that nearest refinery to that destination.

Under the above circumstances the reduction in his maximum f. o. b. refinery price as determined by Table I or II shall be the amount necessary to make the laid-down cost from the refinery making the shipment the same as it would be from the refinery producing

roofing flux or oxidized asphalt nearest the destination. However, the required reduction need never exceed 20% of the maximum f. o. b. refinery price.

*For example:* A buyer in Wisconsin desires to purchase roofing flux. The refinery nearest to him producing roofing flux uses Chicago as its reference point. Assume that the laid-down cost on the Indiana purchase is \$10.50 plus \$1.00 freight, or \$11.50. Suppose the same buyer wishes to purchase from a Texas refinery. The Texas refinery uses Ft. Worth, Texas, as its reference point; the maximum price for the Texas refinery is \$7.50. Assume the freight from the Texas refinery to the same buyer in Wisconsin is \$7.00. This would mean a laid-down cost to the buyer of \$14.50. To equalize this with the laid-down cost from Indiana of \$11.50 would mean a reduction in the f. o. b. Texas refinery price of \$3.00. But this is more than 20% of the Texas f. o. b. price of \$7.50. Therefore, the reduction by the Texas refiner would be \$1.50 (20% of \$7.50) making his maximum f. o. b. refinery price for the Wisconsin destination \$6.00 and the buyer's laid-down cost from the Texas refinery would be \$13.00.

[Paragraph (b) as amended by Amendment 2, 8 F.R. 5383, effective 4-28-43]

(c) *Price tables to determine maximum bulk prices f. o. b. refiners for standard grades; exclusive of taxes.*

TABLE I—REFINERIES EAST OF WASHINGTON, OREGON AND CALIFORNIA

[Asphalt cement, Roofing flux, Oxidized asphalt: Price in dollars per net ton of 2,000 lbs. Liquid asphalt: Price in cents per U. S. gallon]

Reference points	Asphalt cement		Liquid asphalt			Roofing flux	Oxidized asphalt	
	Pen. 40-100	Pen. 100-300	S. C. 1-5	M. C. 1-5	R. C. 1-5		110-165 M. P.	165-220 M. P.
New York, N. Y.	\$15.00	\$14.00	.0575	.0625	.0625	\$12.50	\$13.50	\$14.50
Charleston, S. C.	14.00	13.00	.0550	.0600	.0625	12.25	13.25	14.25
Buffalo, N. Y.	14.00	13.00	.0525	.0575	.0600	11.75	12.75	13.75
(a) Columbus, O. Refinery	15.00	14.00	.0525	.0600	.0625	11.75	12.75	13.75
(b) Columbus, O. Delivered	17.00	16.00	.0600	.0675	.0700			
Chicago, Ill.	14.00	13.00	.0450	.0575	.0600	10.50	11.50	12.50
St. Louis, Mo.	13.50	12.50	.0425	.0550	.0575	9.00	10.00	11.00
El Dorado, Ark.	10.50	9.50	.0400	.0450	.0475	7.50	8.50	9.50
New Orleans, La.	13.00	12.00	.0500	.0550	.0575	10.50	11.50	12.50
Kansas City, Mo.	10.50	9.50	.0300	.0400	.0425			
Wichita, Kans.	10.50	9.50	.0300	.0425	.0450	8.00	9.00	10.00
Oklahoma City, Okla.	11.50	10.50	.0400	.0475	.0500	8.00	9.00	10.00
Fort Worth, Tex.	11.00	10.00	.0400	.0500	.0525	7.50	8.50	9.50
Houston, Texas	11.50	10.50	.0425	.0525	.0550	8.50	9.50	10.50
Great Falls, Mont.	13.50	12.50	.0475	.0550	.0650			
Cody, Wyoming	11.00	10.00	.0325	.0450	.0475	8.50	9.50	10.50
Dodge City, Kans.	11.00	10.00	.0300	.0450	.0475	8.00	9.00	10.00
Salt Lake City, Utah	17.00	16.00	.0425	.0750	.0775			
Santa Fe, N. M.	15.00	14.00	.0475	.0625	.0625			
Yazoo City, Miss.	13.00	12.00				10.50	11.50	12.50
West Branch, Mich.	15.00	14.00	.0525	.0650	.0675	12.25	13.25	14.25

NOTE: These prices are net prices and no discounts thereunder are required to be made.

<sup>1</sup> Notwithstanding this Table the maximum delivered bulk price for roofing flux to the roofing and floor covering industries at the points designated below shall be as follows: In the city limits of St. Paul and Minneapolis, Minnesota, \$13.75 per ton; provided that if there is any reduction in the rail freight costs after April 1, 1943, including taxes on such transportation service, the above delivered price shall be reduced by the actual amount of the reduction in the rail freight from refineries using Wichita, Kansas as a reference point to St. Paul and Minneapolis, Minnesota. Within the State of Louisiana the delivered price shall be \$10 per ton. The maximum price f. o. b. a refinery for shipments into the State of Louisiana and the cities of St. Paul and Minneapolis, Minnesota shall be such that the sum of such price and the rail freight from the refinery to such destinations shall not exceed the delivered price as determined above.

<sup>2</sup> The delivered prices indicated are only for refineries using Columbus as a reference point and apply only to their shipment to points within the State of Ohio. The refinery prices apply to all shipments outside the State of Ohio.

<sup>3</sup> For refineries within the State of Montana using Cody as a reference point, the maximum bulk price f. o. b. refinery M. C. or R. C. grades is .056 per gallon when the material is sold for use within the State of Montana.

<sup>4</sup> For S. C. 1, 2 and 3; .0450 for S. C. 4 and 5.

[Table I amended by Amendment 2, 8 F.R. 5383, effective 4-28-43]

[Footnote 1 amended by Amendment 2, 8 F.R. 5383, effective 4-23-43 and Amendment 6, 8 F.R. 6672, effective 5-25-43]

TABLE II—REFINERIES AND TERMINALS IN OREGON, WASHINGTON AND CALIFORNIA

Reference point	Asphalt composition		Liquid asphalt				Oxidized asphalt	
	11-40 41-200	R. O. M. O. 2-3-4-5 R. O. M. O. 2-3-4-5 R. O. M. O. 2-3-4-5 R. O. M. O. 2-3-4-5	R. O. M. O. 2-3-4-5 R. O. M. O. 2-3-4-5 R. O. M. O. 2-3-4-5 R. O. M. O. 2-3-4-5	R. O. M. O. 2-3-4-5 R. O. M. O. 2-3-4-5 R. O. M. O. 2-3-4-5 R. O. M. O. 2-3-4-5	R. O. M. O. 2-3-4-5 R. O. M. O. 2-3-4-5 R. O. M. O. 2-3-4-5 R. O. M. O. 2-3-4-5	R. O. M. O. 2-3-4-5 R. O. M. O. 2-3-4-5 R. O. M. O. 2-3-4-5 R. O. M. O. 2-3-4-5	R. O. M. O. 2-3-4-5 R. O. M. O. 2-3-4-5 R. O. M. O. 2-3-4-5 R. O. M. O. 2-3-4-5	R. O. M. O. 2-3-4-5 R. O. M. O. 2-3-4-5 R. O. M. O. 2-3-4-5 R. O. M. O. 2-3-4-5
San Francisco, Calif.	\$13.40	10.00	11.40	11.40	11.40	11.40	12.40	13.40
Bakersfield, Calif.	13.40	10.00	11.40	11.40	11.40	11.40	12.40	13.40
Los Angeles, Calif.	13.40	10.00	11.40	11.40	11.40	11.40	12.40	13.40
San Jose, Calif.	11.40	8.00	9.40	9.40	9.40	9.40	10.40	11.40
Spokane, Wash.	21.00	21.00	21.00	21.00	21.00	21.00	21.00	21.00
Seattle, Wash.	21.00	21.00	21.00	21.00	21.00	21.00	21.00	21.00

Refiners in the Santa Maria Valley of California may charge a price delivered to the buyer not in excess of the sum of the maximum f. o. b. refinery or terminal price for the same product established for the refinery or terminal nearest to the particular destination and the rail freight tariff from such nearest refinery to destination.

Table II amended by Amendment 1, 8 F.R. 3841, effective 3-28-43; Amendment 3, 8 F.R. 6109, effective 8-16-43, and Amendment 6, effective 8-14-43.

(d) *Roofing flux converters, except roofing manufacturers.* If a seller purchases roofing flux and thereafter converts or processes it at his plant, his maximum bulk price f. o. b. his plant for the asphalt so converted or processed shall be the sum of the following amounts: (1) The maximum price of asphalt of the same grade as the asphalt so converted or processed at the refinery from which shipment was made to such seller, (2) the actual cost of transportation incurred in transporting the roofing flux to such seller's plant and (3) fifty cents per ton.

Paragraph (d) added by Amendment 2, 8 F.R. 5383, effective 4-28-43 and amended by Amendment 4, 8 F.R. 6013, effective 5-24-43. Paragraph heading amended by Amendment 6, effective 8-14-43. Former paragraph (d) redesignated (e) by Amendment 3.

(e) *Tentative maximum price.* In the event that a seller is unable to determine his maximum bulk price for the sale of any standard product under this price regulation because a price for such product is not listed in Tables I and II opposite the reference point which determines his maximum price then that seller shall set a tentative maximum bulk price for such product. Such tentative price shall be in line with the level of prices set forth in said tables and the differential between the tentative price and the maximum price shall be the highest price charged by the seller for a delivery of that product during such period.

ried to a purchaser of the same class: *Provided, however,* That a price charged under a contract entered into prior to said period need not be maintained unless such contract price reflected current market conditions during said period. If a seller's bulk prices for standard products are governed by Table II of § 1340.353, he may add \$1.40 per ton to the price of any special product calculated under this subparagraph (1).

(2) If the seller is unable to determine his maximum bulk price for a special product under (1) he shall set a tentative maximum price f. o. b. his refinery taking into consideration the two products which he sells which are nearest in specifications to the product to be priced, one having the next lower maximum price to the chosen tentative price and one having the next higher maximum price. He shall then complete Form No. 652.166 below.

If the seller has no product of similar specifications, he shall take into consideration the prices of the two products which his nearest geographical competitor sells which are nearest in specifications to the product to be priced, one having the next lower maximum price and one having the next higher maximum price.

Such a seller shall then complete Form No. 652.166 below with reference to such products of that nearest competitor. Space for name and address of nearest competitor must then be added to the form.

The seller shall within 15 days after setting a tentative maximum price, file with the Office of Price Administration a written request for approval of such tentative maximum price. In connection with such request, the seller shall file with the Petroleum Branch of the Office of Price Administration at its principal office in Washington, D. C., the information required in Form No. 652.166 below:

Budget Bureau No. 03-S. Types

# REPORT OF TENTATIVE MAXIMUM PRICE SPECIAL ASPHALT PRODUCT

Product nearest in specification having a lower maximum price	New product	Product nearest in specification having a higher maximum price
A	B	O
1. Identification		
2. Maximum price and unit of sale including container if packaged		
3. Delivery cost of ingredients used in the manufacture of product shown above, Item 1a, Columns A, B, and C		
4. Other ingredients (list each)		
5. The percentage of weight of finished product of ingredients used in the manufacture of the product shown above, Item 1a, Columns A, B, and C and detailed in Items 2a, b, and c		
6. Asphalt		
7. Crudes or residuum		
8. Other ingredients (list each)		
9. Total (add a, b, and c)	100.0	100.0
10. Container shipments:		
a. Type of container (d. e. barrel, drum, carton, etc.)		
b. Material from which container is fabricated		
c. Capacity of container		
d. Unit cost of container		
e. Penetration of finished product:		
a. At 25° F.		
b. At 75° F.		
c. At 110° F.		
d. Quantity of finished product, 77° F.		
e. Flash point of finished product, degrees F.		
f. Melting point of finished product, degrees F.		
g. Percent soluble in finished product:		
a. In carbon disulphide		
b. In carbon tetrachloride		
10. Percent loss on heating of finished product		

NOTE: All tests shall be conducted in accordance with the latest methods as set forth by the A. S. T. M.

11. Has the new product been requested by a buyer? (Answer "yes" or "no").....  
 12. Identify products replaced by new product.....  
 13. Identify product supplemented by new product.....

Filed by.....  
 Name of company.....  
 Address.....  
 Date.....

NOTE: Where a new special product is liquid, and where the tests required above are not applicable, then stand ard detailed specifications should be supplied.

Where the information required is submitted, a tentative price shall be the seller's maximum price for the particular product unless it is disapproved in writing by the Office of Price Administration within 30 days from the date it is filed as above provided or a substitute price is set. If a substitute price is set, then such price shall be the maximum price. A tentative price which has been approved as a maximum price hereunder may subsequently be changed by order of the Price Administrator.

(b) *Special products having different specifications from those of any standard product.* (1) If the seller delivered a special product during the period August 1-November 1, 1941 having different specifications from those of any standard product, such seller's maximum price shall be either (i) the highest price charged by such seller for a delivery of that product during such period to a purchaser of the same class except that if a seller's bulk prices for standard products are governed by Table II of § 1340.353 he may add \$1.40 per ton to such highest price or (ii) the maximum bulk price of that standard product having the specifications nearest to those of such special product: *Provided, however,* That if the only delivery of a special product was made under a contract negotiated prior to said period and the price charged for such delivery did not reflect current market conditions during such period the seller's maximum price shall be determined under subparagraph (2) below.

(2) If the seller is unable to determine his maximum bulk price for a special product having different specifications from those of a standard product under (1) such seller's maximum prices shall be either (i) the maximum bulk price of that standard product having specifications nearest to those of such special product or (ii) tentative maximum price established in accordance with the provisions of subparagraph (2) of paragraph (a).

[§ 1340.354 as amended by Amendment 2, 8 F.R. 5383, effective 4-28-43]

§ 1340.355 *Changes in ingredients and changes in the costs of purchased ingredients—(a) Changes in ingredients.* When a seller makes a change in the ingredients used in the production of a special product or when he makes a change in the percentage of the same ingredients formerly used he shall be considered as making a new product and should file a tentative maximum price and report under § 1340.354.

(b) *Changes in the costs of purchased ingredients.* An adjustment in the maximum price of a special product may, however, be requested when the

seller's cost of a special product, as compared with his cost during the period August 1-November 1, 1941, has been increased because of a change in the cost of purchased ingredients. No request will be considered hereunder unless the change in the cost of purchased ingredients exceeds 20% of the cost during the period August 1-November 1, 1941 and the total cost of producing the special product has also increased by not less than 20%.

A seller should set a tentative maximum price for the special product f. o. b. his refinery by filing with the Petroleum Branch of the Office of Price Administration at its principal office in Washington, D. C. a statement setting forth:

- (1) Present maximum price
- (2) The tentative maximum price
- (3) The ingredients used in producing the special product upon which the request for a price increase is made, the percentages by weight of each ingredient in the finished product, and the weighted average costs thereof during the period August 1-November 1, 1941 and the costs at the time the request for an adjustment is made. The weighted average cost of an ingredient shall be determined by dividing the total amount expended for such ingredient during the period heretofore specified by the total quantity purchased.

If any of the above information is not reported with the tentative maximum price, it will be disapproved until such time as all data have been submitted. Disapproval of a tentative maximum price automatically requires the manufacturer to return to his original maximum price.

Where the information required is submitted, a tentative price shall be the seller's maximum price for the particular product unless it is disapproved in writing by the Office of Price Administration within 30 days from the date it is filed as above provided or a substitute price is set. If a substitute price is set, then such price shall be the maximum price. A tentative price which has been approved as a maximum price hereunder may subsequently be changed by order of the Price Administrator.

§ 1340.356 *Packaged asphalt maximum prices for producers, except roofing manufacturers—(a) Method for calculating prices.* Except as provided in (b) below, when the seller supplies a container, the maximum price for packaged asphalt in carload quantities shall be the sum of the following:

[Section heading as amended by Amendment 6, effective 8-14-43]

- (1) The maximum bulk price as determined by this regulation but without reference to the adjustment provided for by § 1340.353 (b).

(2) (i) If the container supplied by the seller is not returnable, a charge determined as follows:

(a) If the seller purchases an assembled container, an amount equal to the cost of acquisition, including the cost of transportation to the seller's refinery or plant of the initial shipment of the same kind of container received at such refinery or plant after February 20, 1943;

(b) If the seller has facilities for manufacturing or assembling his own container, an amount equal to the actual cost of acquisition of the required materials, including the cost of transportation to the seller's refinery or plant, of the initial shipment of the same kind of materials received at such refinery or plant after February 20, 1943 plus the actual cost of manufacturing or assembling such material into an assembled container: *Provided, however,* That the amount chargeable shall never exceed the cost of acquisition if he had purchased an assembled container of the same kind.

(c) If, however, at any time the cost of the container of a particular kind amounts to 10% more or less than the amount that is currently being charged purchasers of packaged asphalt, the amount chargeable thereafter for the container shall be the cost of the container at such time. The maximum amount chargeable for a particular kind of container is not adjustable either up or down merely because of a change in the cost of such container not amounting to as much as 10%.

[Paragraph (i) as amended by Amendment 5, 8 F. R. 6672, effective 5-25-43]

(ii) If the container supplied by the seller is returnable, 2.5 cents per gallon. The seller, however, shall pay for the cost of returning, cleaning and repairing such container.

(3) The following packaging differentials:

Reference point:	Packaging differential per ton
New York, N. Y.....	82.00
Charleston, S. C.....	3.00
Buffalo, N. Y.....	3.00
Columbus, Ohio.....	3.00
Chicago, Ill.....	3.00
St. Louis, Mo.....	4.00
El Dorado, Ark.....	4.00
New Orleans, La.....	3.00
Kansas City, Mo.....	4.00
Wichita, Kans.....	4.00
Oklahoma City, Okla.....	4.00
Dallas, Tex.....	4.00
Houston, Tex.....	4.00
Cody, Wyo.....	4.00
Great Falls, Mont.....	4.00
Dodge City, Kans.....	4.00
Salt Lake City, Utah.....	4.00
San Francisco, Cal.....	4.00
Bakersfield, Cal.....	4.00
Los Angeles, Cal.....	4.00
Santa Maria, Cal.....	4.00
Yazoo City, Miss.....	3.00
West Branch, Mich.....	3.00

Either the seller shall in every case separately show the above charges in invoicing the purchaser or the seller shall at the time of the initial shipment of the packaged asphalt after April 28, 1943, to a particular purchaser send the purchaser a letter separately stating the

maximum amount of each of the above charges that he is permitted to make. If the seller adopts the latter alternative he shall, thereafter, notify the purchaser of any changes in the maximum amount of any charge that he is permitted to make.

(b) *Special products.* If a seller did not deliver a special product in bulk during the August 1–November 1, 1941 period, but such seller did deliver such a special product in packages during such period, his maximum price for such packaged asphalt shall be either (1) the highest price charged by the seller for such packaged asphalt during such period to a purchaser of the same class except that if a seller's bulk prices are governed by Table II of § 1340.353 he may add \$1.40 per-ton to such highest price or (2) a price determined in accordance with the provisions of (a) above.

(c) *Congealed asphalt.* When the seller uses a form to congeal hot asphalt, then removes the form and ships the molded asphalt without packaging it, the maximum price for such asphalt in carload quantities shall be determined in the same manner as the seller would determine his maximum price for packaged asphalt and such seller shall comply with all the provisions of (a) above, except that in lieu of a charge for the container the seller may charge an amount equal to the actual cost of all materials used and operations performed which would not have been necessary if the asphalt had been shipped in a package: *Provided, however,* That the total amount so chargeable by the seller shall never exceed \$1.50 per ton.

(d) *Purchaser's containers.* When the purchaser supplies the container, the seller's maximum price for packaged asphalt in carload quantities shall be the maximum bulk price as determined by this price regulation plus the packaging differential specified under (a) (3) above.

(e) *L. c. l. differential.* The seller's maximum price for packaged asphalt for less than carload quantities shall be his maximum price for carload quantities plus \$2.00 per ton.

[§ 1340.356 amended by Amendment 2, 8 F.R. 5383, effective 4-28-43]

§ 1340.357 Sales by resellers, roofing manufacturers and sales f. o. b. a warehouse or a bulk plant—(a) Producers other than roofing manufacturers. The maximum price f. o. b. his warehouse or bulk plant for asphalt of any producer, other than a roofing manufacturer, who receives shipments at a warehouse or a bulk plant other than a terminal as defined in § 1340.360 (e) shall be determined by adding to the cost delivered at the warehouse or bulk plant \$2.50 per ton. Such producer's cost delivered at the warehouse shall be the sum of his maximum price at the refinery or plant from which the shipment is made and the actual cost of transportation from such plant to the warehouse or bulk plant. A producer's maximum price for

asphalt is to be determined by this section even though the asphalt was produced by another person.

(b) *Roofing manufacturers—packaged asphalt—(1) F. o. b. warehouse.* A roofing manufacturer's maximum price for purchased packaged asphalt f. o. b. his warehouse shall be determined by adding to the delivered cost the following amounts: \$3.50 per ton on sales to jobbers or distributors; \$4.50 per ton to all other buyers. If the asphalt sold from a warehouse other than his plant storage was produced by the roofing manufacturer, then his maximum price shall be the sum of his maximum price for packaged asphalt f. o. b. his plant as determined hereafter and the cost of transportation to said warehouse.

(2) *F. o. b. a point of production, except seller's plant.* If a roofing manufacturer makes a direct shipment to a buyer from the production plant of another person, his maximum price for packaged asphalt f. o. b. the production plant shall be the sum of the price paid for the packaged asphalt and the following amount: \$2.50 per ton on sales to jobbers or distributors; \$3.50 per ton on sales to all other buyers.

(3) *F. o. b. the roofing manufacturer's production plant.* If a roofing manufacturer produces asphalt and makes a direct shipment to a buyer from his production plant or plant storage, his maximum price for packaged asphalt f. o. b. his production plant or plant storage shall be the sum of the following amounts:

(i) The delivered cost of roofing flux at his production plant.

(ii) The difference between the price for roofing flux and that for oxidized asphalt of the grade produced listed in Tables I and II of § 1340.353 (c) for the reference point closest to the seller's production plant.

(iii) A charge for the container or package computed in accordance with § 1340.356 (a) (2).

(iv) A packaging differential charge in accordance with § 1340.356 (a) (3).

(v) \$3.50 per ton on sales to jobbers and distributors and \$4.50 per ton on sales to all other buyers.

(c) *Resellers.* The maximum price f. o. b. his warehouse or bulk plant for asphalt of any dealer or reseller, other than a producer or roofing manufacturer, who receives shipments at a warehouse or a bulk plant other than a terminal as defined in § 1340.360 (e) shall be determined by adding to the cost delivered at the warehouse or bulk plant \$2.50 per ton or an amount sufficient to give the seller the same

dollars and cents mark-up that he had during the major portion of the period August 1–November 1, 1941. If such a seller did not carry inventory or received shipments of asphalt at a warehouse or bulk plant during the period specified above, then his maximum price shall be determined by adding to the cost delivered at the warehouse or bulk plant \$2.50 per ton or an amount sufficient to give the seller the same dollar and cents mark-up that his most closely competitive seller had during the major portion of the period August 1–November 1, 1941. For the purposes of this section "mark-up" means the dollars and cents difference between the selling price of the asphalt and the cost thereof delivered at the warehouse or bulk plant. Any reseller who elects to use a "mark-up" computed in accordance with this section and amounting to more than \$2.50 must report such "mark-up" to the Petroleum Branch of the Office of Price Administration at Washington, D. C., on or before May 31, 1943.

A reseller other than a producer or roofing manufacturer who maintained and did business through a warehouse or bulk plant, other than a terminal, during the period August 1–November 1, 1941 may make shipment direct from a production point and add \$2.50 per ton.

[§ 1340.357 amended by Amendment 2, 8 F.R. 5383, effective 4-28-43, Amendment 3, 8 F.R. 6103, effective 5-15-43 and Amendment 6, effective 8-14-43]

§ 1340.358 *Other retail sales.* The maximum price of any retail seller not otherwise covered by this regulation shall be the delivered cost at his retail establishment or other point of delivery plus an amount sufficient to give the seller the same dollars and cents differential between his selling price and his delivered cost at the retail establishment or other point of delivery that he had during the major portion of the period August 1–November 1, 1941.

§ 1340.359 *Terminals.* Bulk prices at terminals are not determined by reference points. When shipments in bulk are made from terminals, the laid-down cost to a buyer at a given destination shall not exceed the maximum f. o. b. refinery price established by this regulation for the asphalt refinery nearest to that destination plus the rail freight from that nearest refinery to that destination. The maximum f. o. b. price on a given shipment from a terminal shall be the laid-down cost to the buyer as above defined less rail freight from terminal to the destination. The deduction of rail rate also applies to truck shipments.

Note that bulk storage points at Portland, Oregon, and Seattle, Washington, have specific prices in the table covering Oregon, Washington, and California.

[§ 1340.359 as amended by Amendment 6, effective 8-14-43]



§ 1340.360 *Definitions.* (a) "Asphalt" means any asphalt refined from petroleum.

(b) "Standard product" means any of the following grades:

(1) *Roofing flux.* Roofing flux means any grade of soft asphalt or liquid asphalt, having a melting point of less than 110° F. (Method, ball and ring A. S. T. M. D. 36-26) when sold to the roofing or floor covering industry for saturating or further processing to a higher melting point.

(2) *Oxidized asphalt.* Oxidized asphalt means any grade of asphalt which has a penetration of less than 125 (Method A. S. T. M. D. 88-38) and has been oxidized to a melting point above 110° F. when sold to the roofing or floor covering industry and has not been specially processed by the addition of another ingredient.

(3) *Asphalt cement.* Asphalt cement means any grade of asphalt which has a penetration of more than 40 and less than 300 at 77° F. when used for paving purposes.

(4) *Liquid asphalt.* "Liquid asphalt" means any grade of asphalt having a penetration in excess of 300 at 77° F. when used for road construction or similar ground surfacing.

S. C. (Slow curing)  
M. C. (Medium curing)  
R. O. (Rapid curing)

[Paragraph (4) as amended by Amendment 2, 8 F.R. 5383, effective 4-28-43]

(c) "Special product" means any asphalt or asphalt product not included under standard products with the exception of those products which have been specially processed by the roofing or paint industry by the addition of another ingredient.

[Paragraph (c) as amended by Amendment 2, 8 F.R. 5383, effective 4-28-43]

(d) "Rail freight" means the lowest railroad rate applicable to the commodity to be shipped.

(e) "Terminal" means a bulk tank storage point other than a refinery where shipments are normally received by water.

[Paragraph (e) as amended by Amendment 6, effective 8-14-43]

(f) "Ton" means a "net ton" of 2,000 pounds, provided, however, that if a seller normally sold packaged asphalt during the period August 1-November 1, 1941 on a gross ton basis, then "ton" means a gross ton (includes weight of package) of 2,000 pounds.

[Paragraph (f) as amended by Amendment 2, 8 F.R. 5383, effective 4-28-43]

(g) "Gallon" means a U. S. gallon.

(h) "Bulk price" means a tank car, tank truck or barge price.

§ 1340.361 *Shipments by insulated tank cars.* Where a particular seller had an additional charge in effect during the period August 1-November 1, 1941 for shipments made in insulated tank cars, this same charge may be continued.

§ 1340.362 *Tank truck sales.* An additional charge of 75¢ per ton may be added for filling tank trucks.

[§ 1340.362 as amended by Amendment 2, 8 F.R. 5383, effective 4-28-43]

§ 1340.363 *Maximum prices on delivered basis.* If a seller wishes to quote a delivered price, the delivered price shall never result in a higher laid-down cost to a particular buyer than the sum of his maximum price f. o. b. his refinery, terminal or warehouse and his actual transportation cost incurred from that point to the destination except that when the seller transports by his own vehicles, the transportation cost shall be the applicable rates of a common carrier performing like transportation service. In the event there is no applicable common carrier rate the seller should add his own actual cost of transportation.

[§ 1340.363 as amended by Amendment 2, 8 F.R. 5383, effective 4-28-43]

§ 1340.364 *Brokerage or commissions.* Brokerage or commissions which increase the maximum price listed or determined above will not be allowed. The maximum price chargeable to the buyer by a seller f. o. b. a refinery or terminal includes any brokerage or commission which may be involved in the particular sale.

§ 1340.365 *Conversion table.* While actual weights on specified products may vary slightly, for sake of uniformity the following table shall be used for converting gallons to tons, or tons to gallons:

LIQUID ASPHALT		Gallons per ton at 60° F.
Grade		
0-----		257
1-----		251
2-----		248
3-----		245
4-----		243
5-----		241
ASPHALT CEMENTS		Gallons per ton at 60° F.
Penetration		
40-100-----		235
100-200-----		237
200-300-----		239

§ 1340.366 *Adjustable pricing.* Where a contract or agreement provides for the sale of asphalt or asphalt products to be delivered at a future date, the parties may agree that the prices to be charged shall be the maximum price in effect at the time of each delivery.

§ 1340.367 *Transfers of business or stock in trade.* If the business, assets or stock in trade of any seller or any person as defined in § 1340.352 (b) are sold or otherwise transferred on or after November 1, 1941 and the transferee carries on the business, or continues to deal in the same or similar asphalt and/or asphalt products, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records and make reports shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of

transactions prior to the transfer which are necessary to enable the transferee to comply with the records and reports provisions of this price regulation.

§ 1340.368 *Federal and State taxes.* Any tax upon or incident to the sale, delivery, processing, or use of asphalt or asphalt products, imposed by any statute of the United States or statute or ordinance of any State or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such asphalt or asphalt products and in preparing the records of such seller with respect thereto:

(a) *As to a tax in effect prior to November 1, 1941.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price during the period August 1-November 1, 1941, the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall include such amount in determining his maximum price under this price regulation.

(2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of the tax paid by any prior vendor and separately stated and collected, and in such case the seller shall not include such amount in determining the maximum price under this price regulation.

(b) *As to a tax or increase in a tax which becomes effective on or after November 1, 1941.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

§ 1340.369 *Applications for adjustment or petitions for amendment—(a) Government contracts.* (1) The term "government contract" is here used to include any contract with the United States or any of its agencies, or with the government or any governmental agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 1, 1941, entitled "An Act to promote the defense of the United States." It also includes any subcontract under this kind of contract.

(2) Any person who has made or intends to make a "government contract"

and who thinks that a maximum price in this regulation is impeding or threatens to impede production of material which is essential to the war program and which is or will be the subject of the contract, may file an application for adjustment in accordance with Procedural Regulation No. 6,<sup>7</sup> issued by the Office of Price Administration.

(3) As soon as the application is filed, government contracts deliveries, and payments may be made at the requested price, subject to refund if the requested price is disapproved or lowered. The seller must tell the buyer that the delivery is made subject to this refund.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with provisions of Revised Procedural Regulation No. 1,<sup>4</sup> issued by the Office of Price Administration.

§ 1340.370 *Reports, records and petitions.* (a) The following reports are required by this regulation:

§ 1340.353 (d) Tentative maximum bulk price set by seller for standard products not listed in Tables I and II.

§ 1340.354 (a) and (b) Tentative maximum bulk price set by seller for specific product in case he is unable to determine maximum bulk price.

§ 1340.355 (a) Tentative maximum bulk price set by seller for special product—change in ingredients.

§ 1340.355 (b) Tentative maximum bulk price—change in the cost of ingredients.

§ 1340.357 Report of mark-up by resellers on sales from warehouse or bulk storage.

§ 1340.367 Reports to be continued unchanged in case of transfer of business or of stock.

(b) The following records are required by this regulation:

§ 1340.356 (a) Item required in seller's invoice or letter for packaged asphalt.

§ 1340.367 Records to be continued unchanged in case of transfer of business or of stock.

(c) The following petitions may be filed under this regulation:

§ 1340.369 (a) (2) Application for an adjustment if a maximum price is thought to impede work on a government contract.

§ 1340.369 (b) Petition for amendment of any provision of this regulation.

(d) *Other reports and records.* All sellers and purchasers of asphalt and asphalt products shall file such other reports and keep such other records as the Office of Price Administration may from time to time require.

[§ 1340.370 as amended by Amendment 6, effective 8-14-43]

§ 1340.371 *Enforcement and licensing.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this regulation or order issued by the Office of Price Administration are urged to communicate with the nearest field, state, or regional offices of the Office of Price Administration or its principal office in Washington, D. C.

(c) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by this regulation. "War procurement agencies" include the War Department, the Department of the Navy, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies.

(d) The Emergency Price Control Act of 1942 and Supplementary Order 18<sup>5</sup> explain the circumstances under which licenses may be suspended. A license cannot be transferred.

§ 1340.372 *Evason.* The price limitations set forth in this Maximum Price Regulation No. 323 shall not be evaded whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to any other commodity, or by way of commission, service, transportation, or any other charge, or discount, premium, or other privilege, or by tying agreement or other trade understanding, or otherwise.

§ 1340.373 *Export and import sales.* (a) *Exports.* The maximum price at which a person may export a commodity covered by this regulation shall be determined in accordance with the provisions of the second Revised Maximum Export Price Regulation<sup>6</sup> or any revisions thereto, issued by the Office of Price Administration.

(b) *Imports.* The provisions of this regulation do not apply to the purchases, sales or deliveries of the commodities governed by this regulation if they originate outside of and are imported into the United States or its territories and possessions. Sales, purchases and deliveries of such imported products are governed by the provisions of the General Maximum Price Regulation,<sup>7</sup> and especially Revised Supplementary Regulation No. 12.

[§ 1340.373 as amended by Amendment 5, 8 F.R. 6672, effective 5-25-43]

§ 1340.374 *Effective date.* Maximum Price Regulation No. 323 (§§ 1340.351 to 1340.374, inclusive) shall become effective February 20, 1943, *Provided, however,* That where a buyer and seller have agreed on a particular price subject to the approval of the Office of Price Administration, the effective date of this regulation shall be the date of execution of such agreement for deliveries thereunder.

Issued February 15, 1943

Issued this 9th day of August 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-12917; Filed, August 9, 1943; 3:25 p. m.]

<sup>5</sup> 7 F.R. 9240, 11007.

<sup>6</sup> 8 F.R. 4132, 7662, 8988.

<sup>7</sup> 8 F.R. 3036, 3849, 4347, 4469, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9391.

## PART 1340—FUEL

[RFS 23, Amdt. 120]

### PETROLEUM AND PETROLEUM PRODUCTS

A statement of the consideration involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Section 1340.159 (c) (3) (xxx) is added to read as set forth below:

(xxx) *South Carolina—Pee Dee River Section.* The maximum tank wagon prices for kerosene and No. 1 fuel oil for the following bulk plant points and the circuit points and rural territory served from such plants shall be as set forth below:

Town	Kerosene (cents per gallon)	No. 1 fuel oil (cents per gallon)
Beaufortville	11.5	10.8
Conway	11.5	11.2
Darlington	11.7	11.5
Dillon	11.5	11.2
Florance	11.7	11.5
Georgetown	12.4	11.1
Harberville	11.5	11.5
Hemingway	11.5	11.1
Kingstree	12.4	11.0
Lake City	11.5	11.5
Lake View	11.5	11.5
Lamar	11.7	11.7
Latta	11.5	11.2
Loris	11.5	11.1
Marion	11.5	11.2
Mulliken	11.5	11.2
Nichols	11.5	11.5
Olanta	11.5	11.5
Sumter	11.5	11.5

This amendment shall become effective on the 14th day of August 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of August 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-12325; Filed, August 9, 1943; 3:23 p. m.]

## PART 1340—FUEL

[RFS 23, Amdt. 121]

### PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

The effective date provision of Amendment No. 119 to Revised Price Schedule No. 88 is amended to read as follows:

Amendment No. 119 to Revised Price Schedule No. 88 shall be effective August 1, 1943.

This amendment shall be effective August 9, 1943.

\*Copies may be obtained from the Office of Price Administration.

<sup>18</sup> F.R. 3718.

<sup>7</sup> 7 F.R. 5087, 5664, 8 F.R. 6173, 6174.

<sup>7</sup> 7 F.R. 8961, 8 F.R. 3313, 3533, 6173.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of August 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-12920; Filed, August 9, 1943;  
3:24 p. m.]

## PART 1351—FOOD AND FOOD PRODUCTS

[MPR 53]

### FATS AND OILS

Revised Price Schedule No. 53 is redesignated Maximum Price Regulation No. 53 and is revised and amended to read as follows:

The Administrator has deemed it necessary to establish maximum prices for fats and oils under this Maximum Price Regulation No. 53. A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

§ 1351.151 *Maximum prices for fats and oils.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation No. 53 (Fats and Oils), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1351.151 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

### MAXIMUM PRICE REGULATION No. 53—FATS AND OILS

#### ARTICLE I—GENERAL PROVISIONS

- Sec.
- 1.1 Prohibition against dealing in fats and oils at prices above the maximum.
  - 1.2 Exempt sales.
  - 1.3 Exempt governmental purchases of foreign fats and oils.
  - 1.4 Application for determination of a maximum price.
  - 1.5 Imports and exports—adjustment of maximum prices caused by variances in freight and insurance charges.
  - 1.6 Brokers' commissions paid by buyers.
  - 1.7 Adjustable pricing.
  - 1.8 Petitions for amendment.
  - 1.9 Evasion.
  - 1.10 Enforcement.
  - 1.11 Records and reports.
  - 1.12 Geographic applicability of the regulation.
  - 1.13 Definitions.

#### ARTICLE II—MAXIMUM PRICES FOR FATS AND OILS FOR WHICH NO MAXIMUM PRICES IN TERMS OF DOLLARS AND CENTS ARE PROVIDED

- 2.1 Maximum prices.
- 2.2 Inclusion of transportation and other charges in maximum prices.
- 2.3 Evasion.

#### ARTICLE III—COTTONSEED OIL

- Sec.
- 3.1 Maximum prices.
  - 3.2 Refined cottonseed oil sold for industrial use.
  - 3.3 Cottonseed oil futures contracts.
  - 3.4 Purchases of cottonseed oil by the Commodity Credit Corporation.

#### ARTICLE IV—PEANUT OIL

- 4.1 Maximum prices.
- 4.2 Refined peanut oil sold for industrial use.

#### ARTICLE V—SOYBEAN OIL

- 5.1 Maximum prices.
- 5.2 Refined soybean oil sold for industrial use.

#### ARTICLE VI—CORN OIL

- 6.1 Maximum prices.

#### ARTICLE VII—LINSEED OIL

- 7.1 Maximum prices.

#### ARTICLE VIII—OLIVE OIL

- 8.1 Maximum prices of domestic olive oil.
- 8.2 Differentials.
- 8.3 Maximum prices of imported olive oil.
- 8.4 Differentials.
- 8.5 Limitation.

#### ARTICLE IX—IMPORTED VEGETABLE OILS

- 9.1 Maximum prices.
- 9.2 Maximum prices.

#### ARTICLE X—SHORTENING AND COOKING AND SALAD OILS

- 10.1 Maximum prices for processors.
- 10.2 Differentials.
- 10.3 Maximum prices of brands for which maximum prices are not established in section 10.1.
- 10.4 Applications for adjustment of maximum prices by processors.
- 10.5 Definitions.

#### ARTICLE XI—LARD

- 11.1 Maximum prices.
- 11.2 Quality differentials.
- 11.3 Container differentials.
- 11.4 Quantity differentials.
- 11.5 Cash lard.
- 11.6 F. S. O. C. lard.
- 11.7 Lard flakes.
- 11.8 Definitions.

#### ARTICLE XII—OLEO

- 12.1 Maximum prices.

#### ARTICLE XIII—WOOL GREASE

- 13.1 Maximum prices.

#### ARTICLE XIV—TALLOW AND GREASES

- 14.1 Maximum prices.
- 14.2 Imported tallow and greases.

#### ARTICLE XV—SOAPSTOCKS AND FATTY ACIDS

- 15.1 Maximum prices of raw soapstocks.
- 15.2 Maximum prices of recovered or acidulated soapstocks.
- 15.3 Maximum prices of distilled fatty acids.
- 15.4 Maximum prices of split fatty acids.
- 15.5 Maximum prices of stearic acid and oleic acid.

#### ARTICLE XVI—MARINE ANIMAL OILS

- Sec.
- 16.1 Maximum prices.

#### ARTICLE XVII—LINSEED OIL SHORTENING AND HYDROGENATED LINSEED MARGARINE OIL

- 17.1 Temporary exemption for linseed oil shortening and hydrogenated linseed margarine oil.

#### Article I—General Provisions

SECTION 1.1 *Prohibition against dealing in fats and oils at prices above the maximum.* No person shall sell, offer to sell, deliver, or transfer, and no person in the course of trade or business shall buy or receive, fats or oils at prices higher than the maximum prices, except that contracts entered into prior to December 13, 1941, providing for a higher price than the maximum prices may be carried out at the contract price. The maximum prices shall include commissions and all other charges. Lower prices than the maximum prices established by this Maximum Price Regulation No. 53 may be charged, demanded, paid, or offered.

Sec. 1.2 *Exempt sales.* Sales of fats and oils products in the finished form, sales of refined fats and oils (except coconut oil) destined for use or consumption without further processing or packing by the buyer, and sales of lard destined for human consumption without further processing are exempt from the operation of this Maximum Price Regulation No. 53, unless a maximum price for such fats or oils product, or refined fat or oil, or lard, is enumerated in terms of dollars and cents, or a method for computing a maximum price for such fats or oils product, or refined fat or oil, or lard, is set forth in Article III or any subsequent article of this regulation.

Sec. 1.3 *Exempt Governmental purchases of foreign fats and oils.* All purchases of fats and oils located in any foreign country by the United States Government or any agency thereof, or by an agent, broker or other representative purchasing for the account of the United States Government or any agency thereof, shall be exempt from the operation of this Maximum Price Regulation No. 53, whether the purchase is made directly in the foreign country or through an agent, broker or other representative of the foreign seller located in the United States. Where fats and oils located in a foreign country are purchased by an agent, broker or other representative of the United States Government or any agency thereof who has a contract to resell the fats and oils so purchased to the United States or any agency thereof, such resale shall be exempt from the operation of this Maximum Price Regulation No. 53. This provision shall have no application to purchases by the

United States Government or any agency thereof of fats and oils located in the United States which have been imported into this country without a contract to resell the fats and oils so imported to the United States Government or any agency thereof.

**Sec. 1.4 Application for determination of a maximum price.** If the maximum price on a particular fat or oil covered by this Maximum Price Regulation No. 53 cannot be determined under the provisions of this Maximum Price Regulation No. 53, the affected party shall file an application with the Office of Price Administration in Washington, D. C., containing:

(a) A description of the fat or oil and showing wherein it is impossible to determine a maximum price therefor;

(b) A statement of the facts of all transactions since January 1, 1941, of the applicant and all information he may have obtained concerning transactions of others from said date in the fat or oil in question in any form or state of processing including transactions in the oil bearing material, raw product, and crude oil.

(c) (1) An itemized statement of the applicant's total cost of said fat or oil (including any manufacturing or processing costs), (2) the applicant's maximum price for that commodity presently sold by the applicant that has a maximum price presently determinable and that is most nearly similar to the fat or oil for which a maximum price is sought and (3) an itemized statement of the applicant's total cost of such most nearly similar commodity (including any manufacturing or processing costs).

Upon receipt of such application the Office of Price Administration will proceed to fix a maximum price or instruct the applicant as to the method of determining the same and for reporting the price he may determine. Any price fixed or determined under this paragraph shall be subject to adjustment at any time by the Office of Price Administration.

**Sec. 1.5 Imports and exports—Adjustment of maximum prices caused by variances in freight and insurance charges.** The maximum prices hereinafter established by this Maximum Price Regulation No. 53 for fats and oils shipped into or out of the United States by ocean transportation shall include the charges prevailing on October 1, 1941, for freight, war risk insurance, and marine insurance connected with such transportation.

Increases in such charges may be added only if such charges have been actually incurred by the seller on such sale. Decreases in such charges shall be subtracted from the maximum prices hereinafter established by this Maximum Price Regulation No. 53.

**Sec. 1.6 Brokers' commissions paid by buyers.** (a) Where the buyer pays a broker or other person a commission or other contingent compensation for services in bringing about, or otherwise connected with, any purchase, sale, delivery, acquisition, or other transfer of any fats or oils for which a maximum price is established by this Maximum Price Regulation No. 53, (1) the maximum total price that the buyer may pay for the fats or oils and as such commission or other contingent compensation, shall be the maximum prices for such fats or oils specified in this Maximum Price Regulation No. 53, and (2) the maximum price that the seller may receive for the fats or oils sold shall be that sum which, when added to such commission or other contingent compensation paid by the buyer, equals the maximum prices for such fats or oils specified in this Maximum Price Regulation No. 53.

(b) *Exception.* The provisions of paragraph (a) of this section 1.6 shall not apply to purchases made from the United States Government, or any state, municipal or other governmental unit, or any agencies of any of them, where the buyer customarily has paid broker's commissions or fees during the two years preceding the month of March 1942; in such case the buyer, in addition to paying the broker's commissions or fees, may pay the seller, and the seller may receive, the maximum prices specified in this Maximum Price Regulation No. 53.

**Sec. 1.7 Adjustable pricing.** Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

**Sec. 1.8 Petitions for amendment.** Any person seeking an amendment of any provision of this Maximum Price Regulation No. 53 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.<sup>7</sup>

**Sec. 1.9 Evasion—(a) General.** The price limitations set forth in this Maximum Price Regulation No. 53 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of fats or oils, or by way of premium, commission, service, transportation or other charge, or by any other trade understanding or by any other means.

(b) *By purchasing oil-bearing materials and paying for processing.* The purchase of oil-bearing materials from a processor who is to process the oil-bearing materials for the purchaser is forbidden, if the combined cost of (1) the oil-bearing materials and (2) the processing toll exceeds the maximum price established by this Maximum Price Regulation No. 53 for the type and quantity of oil produced from the oil-bearing materials. If the meal or other by-products produced from the oil-bearing materials are to be retained by the processor, the value of the meal or other by-product retained must be considered in determining the cost of the processing toll.

**Sec. 1.10 Enforcement.** Persons violating any provision of this Maximum Price Regulation No. 53 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

**Sec. 1.11 Records and reports.** Every person making any sale of fats or oils, except sales exempted under sections 1.2 and 1.3 shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of each such sale, including the date thereof, the name of the purchaser, the price paid or received, and the grade, quality and amount sold.

Every person affected by this Maximum Price Regulation No. 53 shall submit such reports to the Office of Price Administration as it may from time to time require, subject to the approval of the Bureau of the Budget.

**Sec. 1.12 Geographic applicability of the regulation.** This Maximum Price Regulation No. 53 shall apply in, and only in, the District of Columbia and the forty-eight states of the United States.

**Sec. 1.13 Definitions.** When used in this Maximum Price Regulation No. 53, the term:

(a) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its politi-

<sup>7</sup> 7 F.R. 6301; 8 F.R. 3313, 3533, 6173.

cal subdivisions, and any agency of the foregoing.

(b) "Fats and oils" means all of the raw, crude, and refined fats and oils, their by-products and derivatives, and greases, except "essential oils", mineral oils, butter, and cocoa butter.

(c) "Fats and oils products in the finished form" means those products the whole or substantial part of which are manufactured from fats or oils, which are sold for use or consumption without further processing and the manufacturing process of which includes more than filtering, refining, or deodorizing, or splitting, or dividing into component parts, for example, shortening, soap, paint, margarine, salad dressing, and mayonnaise.

(d) "Refined fats and oils" means those fats and oils which have been cleaned, deodorized, or purified by settling, straining, filtering, distilling, treating with chemicals, or by any other means, and which at the conclusion of the refining process do not contain any added substance other than is necessary as a preservative, for example, margarine oil, salad oil, prime summer yellow, and/or bleachable cottonseed oil, oleo oil, and oils used for the technical and protective coating trades.

(e) In the phrase, "similar amount to a similar purchaser," the word "similar" means that amount and that type of purchaser with respect to which the same price did apply or would have applied under the seller's trade practices on October 1, 1941.

#### Article II—Maximum Prices for Fats and Oils for Which No Maximum Prices in Terms of Dollars and Cents Are Provided

SEC. 2.1 *Maximum prices.* (a) The maximum price for any kind, grade or quality of fat or oil for which a maximum price is not specifically provided in any of the following Articles of this Maximum Price Regulation No. 53, shall be the highest price at which the seller sold such kind of fat or oil of the same grade and quality in a similar amount to a similar purchaser on October 1, 1941, for delivery within sixty days.

(b) If the maximum price of such fat or oil cannot be determined under paragraph (a) of this section 2.1, the maximum price shall be the highest price at which the seller sold the same kind of fat or oil of a different grade or quality or in a different amount or to a different type of purchaser on October 1, 1941, for delivery within sixty days, making the necessary adjustments for differences in grade, quality, amount or type of purchaser in accordance with the seller's practice for determining price differentials existing on October 1, 1941.

(c) If the maximum price cannot be determined under either paragraphs (a)

or (b) of this section 2.1, the maximum price shall be the price at which such kind of fat or oil of the same grade and quality in a similar amount to a similar purchaser was sold in the locality of the seller's shipping point on October 1, 1941, for delivery within sixty days.

(d) If the maximum price cannot be determined under paragraphs (a) (b) or (c) of this section 2.1, the maximum price shall be the price at which such kind of fat or oil of the same grade and quality in a similar amount to a similar purchaser was sold in the nearest market in which such sale was made on October 1, 1941, making adjustments for the customary differential between the price in such markets and the price in the locality of the seller's shipping point.

(e) If the maximum price determined under the above paragraphs of this section 2.1 is less than 111 percent of the price at which the same kind of fat or oil of the same grade and quality was sold by the seller, or was sold in the locality of the seller's shipping point, or in the nearest market, as the case may be, in a similar amount and to a similar purchaser on November 26, 1941, for delivery within sixty days, the maximum price shall be 111 percent of such November 26 price.

SEC. 2.2 *Inclusion of transportation and other charges in maximum prices.* The maximum prices for both domestic and imported fats and oils determined under section 2.1 hereof, shall include at

least the same absorption of transportation and other charges as were or would have been absorbed by the seller on comparable shipments to the same place of destination on October 1, 1941.

SEC. 2.3 *Evasion.* The price limitations set forth in section 2.1 hereof, shall not be evaded by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on October 1, 1941, or by any other direct or indirect means.

#### Article III—Cottonseed Oil

SEC. 3.1 *Maximum prices.* The maximum prices of cottonseed oil shall be the following prices:

(a) Crude cottonseed oil, f. o. b. mill, in tank cars, in cents per pound, as follows:

North Carolina, South Carolina and Tennessee.....	12.75
Mississippi Valley, Alabama and Georgia.....	12.65
Texas and Oklahoma.....	12.60

(1) These crude cottonseed oil maximum prices shall be adjusted on a 9% settlement basis as provided in Rule 142 of the 1942-1943 rules of the National Cottonseed Products Association, Inc.

(2) The usual or normal location differentials shall continue to apply.

(b) Refined cottonseed oil and bleachable cottonseed oil stearine, delivered in tank cars, as follows:

[Cents per pound]

	Bleachable cottonseed oil stearine	Bleachable prime summer yellow oil	Refined bleached and undeodorized oil	Refined deodorized and unbleached oil	Cooking or deodorized white, bleached, summer oil	Salad or winterized oil	Hydrogenated or margarine oil	High titre hydrogenated oil
Albany, N. Y.....	13.75	14.00	14.32	14.35	14.67	15.05	15.25	15.40
Atlanta, Ga.....	13.37	13.62	13.94	13.97	14.29	14.67	14.87	15.02
Baltimore, Md.....	13.66	13.91	14.23	14.26	14.58	14.96	15.16	15.31
Boston, Mass.....	13.74	13.99	14.31	14.34	14.66	15.04	15.24	15.39
Buffalo, N. Y.....	13.78	14.03	14.35	14.38	14.70	15.08	15.28	15.43
Charlotte, N. C.....	13.49	13.74	14.06	14.09	14.41	14.79	14.99	15.14
Chattanooga, Tenn.....	13.54	13.79	14.11	14.14	14.46	14.84	15.04	15.19
Chicago, Ill.....	13.63	13.88	14.20	14.23	14.55	14.93	15.13	15.28
Cincinnati, Ohio.....	13.63	13.88	14.20	14.23	14.55	14.93	15.13	15.28
Columbus, Ohio.....	13.68	13.93	14.25	14.28	14.60	14.98	15.18	15.33
Cudahy, Wis.....	13.65	13.90	14.22	14.25	14.57	14.95	15.15	15.30
Dallas, Tex.....	13.22	13.47	13.79	13.82	14.14	14.52	14.72	14.87
Denison, Tex.....	13.26	13.51	13.83	13.86	14.18	14.56	14.76	14.91
Denver, Colo.....	13.68	13.93	14.25	14.28	14.60	14.98	15.18	15.33
El Paso, Tex.....	13.55	13.80	14.12	14.15	14.47	14.85	15.05	15.20
Fort Worth, Tex.....	13.24	13.49	13.81	13.84	14.16	14.54	14.74	14.89
Houston, Tex.....	13.28	13.53	13.85	13.88	14.20	14.58	14.78	14.93
Indianapolis, Ind.....	13.60	13.85	14.17	14.20	14.52	14.90	15.10	15.25
Jacksonville, Fla.....	13.47	13.72	14.04	14.07	14.39	14.77	14.97	15.12
Kansas City, Mo.....	13.49	13.74	14.06	14.09	14.41	14.79	14.99	15.14
Los Angeles, Calif.....	13.90	14.15	14.47	14.50	14.82	15.20	15.40	15.55
Louisville, Ky.....	13.59	13.84	14.16	14.19	14.51	14.89	15.09	15.24
Macon, Ga.....	13.37	13.62	13.94	13.97	14.29	14.67	14.87	15.02
Memphis, Tenn.....	13.39	13.64	13.96	13.99	14.31	14.69	14.89	15.04
New Orleans, La.....	13.46	13.71	14.03	14.06	14.38	14.76	14.96	15.11
New York, N. Y.....	13.70	13.95	14.27	14.30	14.62	15.00	15.20	15.35
Oklahoma City, Okla.....	13.37	13.62	13.94	13.97	14.29	14.67	14.87	15.02
Philadelphia, Pa.....	13.63	13.93	14.25	14.28	14.60	14.98	15.18	15.33
St. Louis, Mo.....	13.54	13.79	14.11	14.14	14.46	14.84	15.04	15.19
San Antonio, Tex.....	13.28	13.53	13.85	13.88	14.20	14.58	14.78	14.93
San Francisco, Calif.....	13.90	14.15	14.47	14.50	14.82	15.20	15.40	15.55
Savannah, Ga.....	13.45	13.70	14.02	14.05	14.37	14.75	14.95	15.10
Seattle, Wash.....	13.90	14.15	14.47	14.50	14.82	15.20	15.40	15.55
Sherman, Tex.....	13.24	13.49	13.81	13.84	14.16	14.54	14.74	14.89
Terre Haute, Ind.....	13.53	13.83	14.15	14.18	14.50	14.88	15.08	15.23



(1) The usual or normal differentials, above or below these delivered prices, shall apply to all other destinations.

(2) The usual or normal differentials for grade, above or below these prices for basic grades, shall continue to apply.

(3) The usual or normal differentials for type of container shall continue to apply.

**Sec. 3.2 Refined cottonseed oil sold for industrial use.** When refined cottonseed oil is sold to be used ultimately for industrial usages and not for edible purposes, the seller may add 1/2 cent per pound to the maximum prices established for refined cottonseed oil by section 3.1 (b) hereof.

**Sec. 3.3 Cottonseed oil futures contracts.** The maximum prices established in sections 3.1 and 3.2 hereof, shall be the maximum prices for cottonseed oil futures contracts traded after May 11, 1942 on the New York Produce Exchange and on the New Orleans Cotton Exchange.

(Cents per pound)

	Refined unbleached and undecolorized	Refined bleached and undecolorized	Decolorized (bleached) refined peanut oil	Hydrogenated nut margarine oil	High tire hydrogenated nut oil
Albany, N. Y.	14.53	14.70	14.73	15.23	15.78
Albany, O.	14.54	14.71	14.74	15.24	15.79
Baltimore, Md.	14.55	14.72	14.75	15.25	15.80
Baltimore, Md.	14.56	14.73	14.76	15.26	15.81
Buffalo, N. Y.	14.57	14.74	14.77	15.27	15.82
Buffalo, N. Y.	14.58	14.75	14.78	15.28	15.83
Charlotte, N. C.	14.59	14.76	14.79	15.29	15.84
Chattanooga, Tenn.	14.60	14.77	14.80	15.30	15.85
Chicago, Ill.	14.61	14.78	14.81	15.31	15.86
Cincinnati, Ohio	14.62	14.79	14.82	15.32	15.87
Cleveland, Ohio	14.63	14.80	14.83	15.33	15.88
Columbus, Ohio	14.64	14.81	14.84	15.34	15.89
Dallas, Tex.	14.65	14.82	14.85	15.35	15.90
Dallas, Tex.	14.66	14.83	14.86	15.36	15.91
Dallas, Tex.	14.67	14.84	14.87	15.37	15.92
Dallas, Tex.	14.68	14.85	14.88	15.38	15.93
Dallas, Tex.	14.69	14.86	14.89	15.39	15.94
Dallas, Tex.	14.70	14.87	14.90	15.40	15.95
Dallas, Tex.	14.71	14.88	14.91	15.41	15.96
Dallas, Tex.	14.72	14.89	14.92	15.42	15.97
Dallas, Tex.	14.73	14.90	14.93	15.43	15.98
Dallas, Tex.	14.74	14.91	14.94	15.44	15.99
Dallas, Tex.	14.75	14.92	14.95	15.45	16.00
Dallas, Tex.	14.76	14.93	14.96	15.46	16.01
Dallas, Tex.	14.77	14.94	14.97	15.47	16.02
Dallas, Tex.	14.78	14.95	14.98	15.48	16.03
Dallas, Tex.	14.79	14.96	14.99	15.49	16.04
Dallas, Tex.	14.80	14.97	15.00	15.50	16.05
Dallas, Tex.	14.81	14.98	15.01	15.51	16.06
Dallas, Tex.	14.82	14.99	15.02	15.52	16.07
Dallas, Tex.	14.83	15.00	15.03	15.53	16.08
Dallas, Tex.	14.84	15.01	15.04	15.54	16.09
Dallas, Tex.	14.85	15.02	15.05	15.55	16.10
Dallas, Tex.	14.86	15.03	15.06	15.56	16.11
Dallas, Tex.	14.87	15.04	15.07	15.57	16.12
Dallas, Tex.	14.88	15.05	15.08	15.58	16.13
Dallas, Tex.	14.89	15.06	15.09	15.59	16.14
Dallas, Tex.	14.90	15.07	15.10	15.60	16.15
Dallas, Tex.	14.91	15.08	15.11	15.61	16.16
Dallas, Tex.	14.92	15.09	15.12	15.62	16.17
Dallas, Tex.	14.93	15.10	15.13	15.63	16.18
Dallas, Tex.	14.94	15.11	15.14	15.64	16.19
Dallas, Tex.	14.95	15.12	15.15	15.65	16.20
Dallas, Tex.	14.96	15.13	15.16	15.66	16.21
Dallas, Tex.	14.97	15.14	15.17	15.67	16.22
Dallas, Tex.	14.98	15.15	15.18	15.68	16.23
Dallas, Tex.	14.99	15.16	15.19	15.69	16.24
Dallas, Tex.	15.00	15.17	15.20	15.70	16.25
Dallas, Tex.	15.01	15.18	15.21	15.71	16.26
Dallas, Tex.	15.02	15.19	15.22	15.72	16.27
Dallas, Tex.	15.03	15.20	15.23	15.73	16.28
Dallas, Tex.	15.04	15.21	15.24	15.74	16.29
Dallas, Tex.	15.05	15.22	15.25	15.75	16.30
Dallas, Tex.	15.06	15.23	15.26	15.76	16.31
Dallas, Tex.	15.07	15.24	15.27	15.77	16.32
Dallas, Tex.	15.08	15.25	15.28	15.78	16.33
Dallas, Tex.	15.09	15.26	15.29	15.79	16.34
Dallas, Tex.	15.10	15.27	15.30	15.80	16.35
Dallas, Tex.	15.11	15.28	15.31	15.81	16.36
Dallas, Tex.	15.12	15.29	15.32	15.82	16.37
Dallas, Tex.	15.13	15.30	15.33	15.83	16.38
Dallas, Tex.	15.14	15.31	15.34	15.84	16.39
Dallas, Tex.	15.15	15.32	15.35	15.85	16.40
Dallas, Tex.	15.16	15.33	15.36	15.86	16.41
Dallas, Tex.	15.17	15.34	15.37	15.87	16.42
Dallas, Tex.	15.18	15.35	15.38	15.88	16.43
Dallas, Tex.	15.19	15.36	15.39	15.89	16.44
Dallas, Tex.	15.20	15.37	15.40	15.90	16.45
Dallas, Tex.	15.21	15.38	15.41	15.91	16.46
Dallas, Tex.	15.22	15.39	15.42	15.92	16.47
Dallas, Tex.	15.23	15.40	15.43	15.93	16.48
Dallas, Tex.	15.24	15.41	15.44	15.94	16.49
Dallas, Tex.	15.25	15.42	15.45	15.95	16.50
Dallas, Tex.	15.26	15.43	15.46	15.96	16.51
Dallas, Tex.	15.27	15.44	15.47	15.97	16.52
Dallas, Tex.	15.28	15.45	15.48	15.98	16.53
Dallas, Tex.	15.29	15.46	15.49	15.99	16.54
Dallas, Tex.	15.30	15.47	15.50	16.00	16.55
Dallas, Tex.	15.31	15.48	15.51	16.01	16.56
Dallas, Tex.	15.32	15.49	15.52	16.02	16.57
Dallas, Tex.	15.33	15.50	15.53	16.03	16.58
Dallas, Tex.	15.34	15.51	15.54	16.04	16.59
Dallas, Tex.	15.35	15.52	15.55	16.05	16.60
Dallas, Tex.	15.36	15.53	15.56	16.06	16.61
Dallas, Tex.	15.37	15.54	15.57	16.07	16.62
Dallas, Tex.	15.38	15.55	15.58	16.08	16.63
Dallas, Tex.	15.39	15.56	15.59	16.09	16.64
Dallas, Tex.	15.40	15.57	15.60	16.10	16.65
Dallas, Tex.	15.41	15.58	15.61	16.11	16.66
Dallas, Tex.	15.42	15.59	15.62	16.12	16.67
Dallas, Tex.	15.43	15.60	15.63	16.13	16.68
Dallas, Tex.	15.44	15.61	15.64	16.14	16.69
Dallas, Tex.	15.45	15.62	15.65	16.15	16.70
Dallas, Tex.	15.46	15.63	15.66	16.16	16.71
Dallas, Tex.	15.47	15.64	15.67	16.17	16.72
Dallas, Tex.	15.48	15.65	15.68	16.18	16.73
Dallas, Tex.	15.49	15.66	15.69	16.19	16.74
Dallas, Tex.	15.50	15.67	15.70	16.20	16.75
Dallas, Tex.	15.51	15.68	15.71	16.21	16.76
Dallas, Tex.	15.52	15.69	15.72	16.22	16.77
Dallas, Tex.	15.53	15.70	15.73	16.23	16.78
Dallas, Tex.	15.54	15.71	15.74	16.24	16.79
Dallas, Tex.	15.55	15.72	15.75	16.25	16.80
Dallas, Tex.	15.56	15.73	15.76	16.26	16.81
Dallas, Tex.	15.57	15.74	15.77	16.27	16.82
Dallas, Tex.	15.58	15.75	15.78	16.28	16.83
Dallas, Tex.	15.59	15.76	15.79	16.29	16.84
Dallas, Tex.	15.60	15.77	15.80	16.30	16.85
Dallas, Tex.	15.61	15.78	15.81	16.31	16.86
Dallas, Tex.	15.62	15.79	15.82	16.32	16.87
Dallas, Tex.	15.63	15.80	15.83	16.33	16.88
Dallas, Tex.	15.64	15.81	15.84	16.34	16.89
Dallas, Tex.	15.65	15.82	15.85	16.35	16.90
Dallas, Tex.	15.66	15.83	15.86	16.36	16.91
Dallas, Tex.	15.67	15.84	15.87	16.37	16.92
Dallas, Tex.	15.68	15.85	15.88	16.38	16.93
Dallas, Tex.	15.69	15.86	15.89	16.39	16.94
Dallas, Tex.	15.70	15.87	15.90	16.40	16.95
Dallas, Tex.	15.71	15.88	15.91	16.41	16.96
Dallas, Tex.	15.72	15.89	15.92	16.42	16.97
Dallas, Tex.	15.73	15.90	15.93	16.43	16.98
Dallas, Tex.	15.74	15.91	15.94	16.44	16.99
Dallas, Tex.	15.75	15.92	15.95	16.45	17.00
Dallas, Tex.	15.76	15.93	15.96	16.46	17.01
Dallas, Tex.	15.77	15.94	15.97	16.47	17.02
Dallas, Tex.	15.78	15.95	15.98	16.48	17.03
Dallas, Tex.	15.79	15.96	15.99	16.49	17.04
Dallas, Tex.	15.80	15.97	16.00	16.50	17.05
Dallas, Tex.	15.81	15.98	16.01	16.51	17.06
Dallas, Tex.	15.82	15.99	16.02	16.52	17.07
Dallas, Tex.	15.83	16.00	16.03	16.53	17.08
Dallas, Tex.	15.84	16.01	16.04	16.54	17.09
Dallas, Tex.	15.85	16.02	16.05	16.55	17.10
Dallas, Tex.	15.86	16.03	16.06	16.56	17.11
Dallas, Tex.	15.87	16.04	16.07	16.57	17.12
Dallas, Tex.	15.88	16.05	16.08	16.58	17.13
Dallas, Tex.	15.89	16.06	16.09	16.59	17.14
Dallas, Tex.	15.90	16.07	16.10	16.60	17.15
Dallas, Tex.	15.91	16.08	16.11	16.61	17.16
Dallas, Tex.	15.92	16.09	16.12	16.62	17.17
Dallas, Tex.	15.93	16.10	16.13	16.63	17.18
Dallas, Tex.	15.94	16.11	16.14	16.64	17.19
Dallas, Tex.	15.95	16.12	16.15	16.65	17.20
Dallas, Tex.	15.96	16.13	16.16	16.66	17.21
Dallas, Tex.	15.97	16.14	16.17	16.67	17.22
Dallas, Tex.	15.98	16.15	16.18	16.68	17.23
Dallas, Tex.	15.99	16.16	16.19	16.69	17.24
Dallas, Tex.	16.00	16.17	16.20	16.70	17.25
Dallas, Tex.	16.01	16.18	16.21	16.71	17.26
Dallas, Tex.	16.02	16.19	16.22	16.72	17.27
Dallas, Tex.	16.03	16.20	16.23	16.73	17.28
Dallas, Tex.	16.04	16.21	16.24	16.74	17.29
Dallas, Tex.	16.05	16.22	16.25	16.75	17.30
Dallas, Tex.	16.06	16.23	16.26	16.76	17.31
Dallas, Tex.	16.07	16.24	16.27	16.77	17.32
Dallas, Tex.	16.08	16.25	16.28	16.78	17.33
Dallas, Tex.	16.09	16.26	16.29	16.79	17.34
Dallas, Tex.	16.10	16.27	16.30	16.80	17.35
Dallas, Tex.	16.11	16.28	16.31	16.81	17.36
Dallas, Tex.	16.12	16.29	16.32	16.82	17.37
Dallas, Tex.	16.13	16.30	16.33	16.83	17.38
Dallas, Tex.	16.14	16.31	16.34	16.84	17.39
Dallas, Tex.	16.15	16.32	16.35	16.85	17.40
Dallas, Tex.	16.16	16.33	16.36	16.86	17.41
Dallas, Tex.	16.17	16.34	16.37	16.87	17.42
Dallas, Tex.	16.18	16.35	16.38	16.88	17.43
Dallas, Tex.	16.19	16.36	16.39	16.89	17.44
Dallas, Tex.	16.20	16.37	16.40	16.90	17.45
Dallas, Tex.	16.21	16.38	16.41	16.91	17.46
Dallas, Tex.	16.22	16.39	16.42	16.92	17.47
Dallas, Tex.	16.23	16.40	16.43	16.93	17.48
Dallas, Tex.	16.24	16.41	16.44	16.94	17.49
Dallas, Tex.	16.25	16.42	16.45	16.95	17.50
Dallas, Tex.	16.26	16.43	16.46	16.96	17.51
Dallas, Tex.	16.27	16.44	16.47	16.97	17.52
Dallas, Tex.	16.28	16.45	16.48	16.98	17.53
Dallas, Tex.	16.29	16.46	16.49	16.99	17.54
Dallas, Tex.	16.30	16.47	16.50	17.00	17.55
Dallas, Tex.	16.31	16.48	16.51	17.01	17.56
Dallas, Tex.	16.32	16.49	16.52	17.02	17.57
Dallas, Tex.	16.33	16.50	16.53	17.03	17.58
Dallas, Tex.	16.34	16.51	16.54	17.04	17.59
Dallas, Tex.	16.35	16.52	16.55	17.05	17.60
Dallas, Tex.	16.36	16.53	16.56	17.06	17.61
Dallas, Tex.	16.37	16.54	16.57	17.07	17.62
Dallas, Tex.	16.38	16.55	16.58	17.08	17.63
Dallas, Tex.	16.39	16.56	16.59	17.09	17.64
Dallas, Tex.	16.40	16.57	16.60	17.10	17.65
Dallas, Tex.	16.41	16.58	16.61	17.11	17.66
Dallas, Tex.	16.42	16.59	16.62	17.12	17.67
Dallas, Tex.	16.43	16.60	16.63	17.13	17.68
Dallas, Tex.	16.44	16.61	16.64	17	

	Color	Acid value	Iodine value	Sapon. value	Spec. gravity	Viscosity	Cents per pound
Linseed oil.....	11-13	4 max.	170-190	183-196	.931-.935	A	14.5
<b>GRINDING OILS</b>							
Raw plus 10% bodied oil.....	10-13	2-4	165-187	189-198	.934-.937	A-B	14.5
Containing organic superoxide.....	9-11	1-4	170-190	183-196	.931-.936	A	15.0
Semi-refined and bleached varnish and grinding oil.....	4-8	2-5	170-190	183-196	.931-.935	A	15.5
Mechanically refined grinding oil (no chemicals used).....	4-7	1-4	170-190	183-196	.931-.935	A	15.5
Mechanically refined + 10% polymerized oil.....	6-7	2-5	165-180	192-205	.934-.944	C-D	15.5
Alkali refined grinding oil.....	5-7	2-4	170-190	183-196	.931-.935	A	15.5
Acid refined grinding oil.....	5-6	3-6	170-190	183-196	.931-.935	A	15.5
Acid refined grinding oil.....	5-7	8-12	170-190	183-196	.930-.935	A	15.5
Acid refined grinding oil.....	5-7	12-16	170-190	183-196	.930-.935	A	15.5
<b>VARNISH OILS</b>							
Dispersed-brera oil.....	10-14	2-9	170-190	183-196	.931-.935	A	15.0
Semi-refined varnish and grinding.....	10-14	2-5	170-190	183-196	.931-.935	A	15.0
Alkali refined, not refrigerated.....	4-7	1.5-3	170-190	183-196	.931-.935	A	15.5
Alkali refined, not refrigerated.....	4-7	0-0.6	170-190	183-196	.931-.935	A	15.5
Alkali refined, neutral-refrigerated.....	5-6	0-0.3	170-190	183-196	.931-.934	A	15.7
Alkali refined, neutral-refrigerated catalyst.....	5-6	0-0.4	170-190	183-196	.931-.935	A	15.7
Alkali refined, refrigerated.....	5-6	2-4	170-190	183-196	.931-.935	A	15.7
Bleached cold pressed.....	4-6	0.5-2.0	170-190	183-196	.931-.935	A	15.7
Alkali refined, slightly oxidized.....	5-6	1.5-4.0	163-185	190-202	.944-.950	C-E	15.7
Slightly oxidized raw.....	7-10	2-6	160-178	194-200	.948-.955	C-E	14.8
Semi-oxidized oil.....	9-12	4-6	165-175	192-196	.940-.945	B-D	14.9
<b>BOILED OILS</b>							
Raw driers bodied oil.....	11-13	3-6	165-190	183-196	.934-.941	B	14.9
Old style boiled.....	12-18	5-7.5	165-185	189-196	.935-.942	B-C	14.9
Slightly oxidized raw driers.....	12-18	3-7	165-185	189-196	.936-.944	B	15.1
Raw Cobalt driers.....	13-16	3-8	168-190	183-196	.931-.940	A	15.3
Acid refined driers.....	6-9	6-8	170-185	183-196	.931-.934	A	15.7
Mechanically refined + driers.....	5-8	2.5-5	165-180	183-196	.931-.938	A	15.7
Partially oxidized acid refined + driers.....	5-8	4-6	163-185	183-196	.933-.938	A	15.7
<b>OXIDIZED OILS</b>							
X-Z2 oxidized with and without driers.....	8-13	4-8	115-155	205-230	.970-.998	X-Z2	15.0
Z2-Z3 oxidized with and without driers.....	7-11	4-8	115-140	210-230	.980-.996	Z2-Z3	15.3
Z1-Z3 oxidized acid refined.....	6-8	4-12	115-140	210-230	.994-.996	Z1-Z3	15.6
Polymerized + oxidized.....	7-9	5-8	120-125	200-210	.994-.996	Z2-Z3	16.0
<b>POLYMERIZED OIL</b>							
Polymerized high acid.....	3-7	6-22	115-150	190-196	.948-.971	Q-Z4 (Polises) (20-1000)	18.5
Polymerized low acid.....	3-7	1-3	115-160	190-196	.950-.975		20.5
<b>FATTY ACID</b>							
Linseed fatty acids.....	10-14	180-193	175-190	194-200	.906-.914	A-	17.2
Distilled linseed fatty acids.....	2-4	194-205	175-195	194-208	.906-.913	A-	19.5
<b>MISCELLANEOUS</b>							
Sulphur chloride treated + 50% thinner.....	6-8	2-4	60-70	122-132	.878-.884	A	15.5
Sulphur chloride treated + 7% thinner.....	77-9	4-7	110-120	200-210	.930-.934	Z-Z2	17.0
Alkali refined edible oil base.....	11 max.	0-3	170-190	183-196	.931-.935	A	15.5

linseed oil products delivered in Zones 2 to 9, inclusive, the seller shall,

(1) Calculate his maximum price for such linseed oil products under the preceding paragraphs of this Article VII—(section 7.1 (a)), assuming for the purpose of such calculation that the delivery is being made in Zone 1.

(2) Add to the maximum price thus arrived at the differentials hereinafter set forth for the particular zone in which the oil actually is being delivered:

Zone:	Differentials to be added Cents per pound
2.....	0.2
3.....	.4
4.....	.6
5.....	.5
6.....	.5
7.....	.6
8.....	.5
9.....	None

(3) In those cases, and only those cases, where such linseed oil products are being delivered, in returnable drums in less than carlot quantities, within the corporate limits of the cities of Los Angeles, California; San Francisco, California; Portland, Oregon; Seattle, Washington and Spokane, Washington, add the actual cost of transporting such linseed oil product from the seller's nearest warehouse to the buyer.

The total thus arrived at shall be the seller's maximum delivered price at the place where delivery actually is made.

(c) *Sales to Agencies of the United States that require prices on an f. o. b. basis.* Where, and only where, linseed oil products are sold to any agency of the United States that specifies that bids to, and contracts with, it shall be made on an f. o. b. basis, the maximum price of such linseed oil shall be on an f. o. b. basis. The maximum price of such linseed oil product, f. o. b. producer's plant, shall be equal to the maximum delivered price of a similar linseed oil product, in similar containers, sold in similar quantities to any other purchaser in the city in which the seller has his plant, minus .3 cents per pound.

(d) *Definitions.* When used in this Article VII, the following terms shall have the following meanings:

(1) "Zone 1" means the area included in the states of Minnesota, Iowa, Missouri, Illinois and Wisconsin.

(2) "Zone 2" means the area included in the states of Michigan, Indiana, Ohio and West Virginia, in all that portion of New York west of and including the counties of Niagara, Erie, and Cattaraugus, and in that portion of Pennsylvania west of and including the counties of McKean, Cameron, Clearfield, Cambria and Somerset.

(3) "Zone 3" means the area included in the states of Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware and Maryland, in all that portion of New York east of and including the counties of Orleans, Genesee, Wyoming, Allegany, and in all that portion of Pennsylvania east of and including the counties of Potter, Clinton, Centre Blair and Bedford.

(4) "Zone 4" means the area included in the state of Florida, and also the fol-

(1) *Grade differentials.* The usual or normal differential for types or grades with specifications other than those listed above shall continue to apply.

(2) *Container and quantity differentials—(i) Returnable drums, carlots.* The maximum delivered prices of the above linseed oil products delivered in Zone 1, in returnable drums, carlot quantities, shall be the prices set forth above, plus .4¢ per pound.

(ii) *Returnable drums in less than carlot quantities—(a)—Delivered in city in which seller has a warehouse.* The maximum delivered prices of the above linseed oil products delivered, in returnable drums in less than carlot quantities, in Zone 1 within the corporate limits of a city in which the seller has a warehouse, shall be the prices set forth in section 7.1 (a) above, plus the differentials hereinafter set forth for the particular quantity sold:

Quantity sold (returnable drums)	Differential to be added to specified prices (Cents per pound)
Carlots, in more than one delivery of 10 drums each.....	0.6
5 to 9 drums, one delivery.....	1.0
1 to 4 drums, one delivery.....	1.4

(b) *Delivered outside city in which seller has a warehouse.* The maximum delivered prices of the above linseed oil products, delivered, in returnable drums in less than carlot quantities, in Zone 1 outside of the corporate limits of the city in which the seller's nearest warehouse is located, shall be the maximum prices provided in the preceding sub-paragraph hereof, (section 7.1 (a) (2) (ii) (a)), plus the actual cost of transporting said linseed oil products from the seller's nearest warehouse to the buyer.

(iii) *Other containers.* When linseed oil products are sold in containers other than tank cars or returnable drums, the maximum delivered prices for such oil products in such other containers, delivered in Zone 1, shall be the tank car price specified above, plus the usual or normal differential for the type of container in which the oil is sold.

(iv) *Other quantities.* When linseed oil products are sold in quantities other than those listed in section 7.1 (a) (2) above the usual or normal differential for the particular quantity sold shall continue to apply.

(b) *Raw linseed oil and linseed oil products, delivered in zones 2° to 9, inclusive.* To determine his maximum delivered price for the above enumerated

lowing port cities: Charleston, South Carolina; Savannah, Georgia; Brunswick, Georgia, and Mobile, Alabama.

(5) "Zone 5" means the area included in the states of Kentucky, Virginia, Tennessee, North Carolina, Mississippi, Alabama (except Mobile), Georgia (except Savannah and Brunswick), and South Carolina (except Charleston).

(6) "Zone 6" means the area included in the states of Montana, North Dakota, Wyoming, South Dakota, Nebraska, Colorado and Kansas.

(7) "Zone 7" means the area included in the states of New Mexico, Oklahoma, Arkansas, Texas, and Louisiana.

(8) "Zone 8" means the area included in the states of Washington, Oregon, Idaho, Nevada, Utah and Arizona.

(9) "Zone 9" means the area included in the state of California.

#### Article VIII—Olive Oil

SEC. 8.1 *Maximum prices of domestic olive oil.* The maximum prices of the following described domestic olive oils shall be the following prices:

(a) *Pure pressed edible domestic olive oil, f. o. b. producer's plant in returnable drums, carlots or less than carlots, as follows:*

Percent F. F. A. (Max.):	Dollars per gallon
.50	4.80
1.00	4.70
1.41 (U. S. P.)	4.60
1.50	4.575
1.75	4.55
2.00	4.50
2.25	4.45
2.50	4.40
2.75	4.35
3.00	4.30

(b) *Pure pressed domestic olive oil, f. o. b. producer's plant, in returnable drums, carlots or less than carlots, as follows:*

Percent F. F. A. (range):	Dollars per gallon
3.01 to 3.50	4.25
3.51 to 4.00	4.20
4.01 to 5.00	4.15
5.01 to 6.00	4.10
6.01 to 7.00	4.05
7.01 to 8.00	4.00
8.01 or more	4.00, less 12¢ for each 1% or fraction of 1% of F. F. A. over 8%.

(c) *Refined, bleached, and deodorized domestic olive oil, f. o. b. producer's plant, in returnable drums, carlots or less than carlots, as follows:*

Percent F. F. A. (max.):	Dollars per gallon
.50	4.75

SEC. 8.2 *Differentials.* The maximum prices of domestic olive oil when sold in the following described containers, shall be the prices set forth above for such oil in returnable drums, plus not more than, or minus at least, the differentials set forth below:

Container:	Differential
Tankcars	6½¢ per gallon less than olive oil in returnable drums.
Wooden barrels	10¢ per gallon more than olive oil in returnable drums.
Drums or other metal containers holding less than 55 gallons and more than 6 gallons.	None.

Container—Continued.  
Tin or other metal containers holding less than 7 gallons and more than 1 gallon.

Glass containers holding less than 7 gallons and more than 1 gallon.

SEC. 8.3 *Maximum prices of imported olive oil.* The maximum price of imported olive oil, in drums with duties and taxes paid, f. o. b. port of entry, shall be the maximum price, in returnable drums at the producer's plant, of domestic olive oil of the same F. F. A., plus 61½¢ per gallon.

SEC. 8.4 *Differentials.* The maximum price of imported olive oil when sold in the following described containers, shall be the price set forth above for such oil in drums, plus the differentials set forth below:

Container:	Differential
Drums or other metal containers holding less than 55 gallons and more than 6 gallons.	None.
Tin or other metal containers holding less than 7 gallons and more than 1 gallon.	10¢ per gallon more than such oil in drums.
Glass containers holding less than 7 gallons and more than 1 gallon.	15¢ per gallon more than such oil in drums.

SEC. 8.5 *Limitation.* The maximum prices for domestic olive oil and for imported olive oil established by this Article VIII are the maximum prices for such olive oils when sold in containers holding more than one gallon; they are not the maximum prices for such olive oils when sold in containers holding one gallon or less.

#### Article IX—Imported Vegetable Oils

SEC. 9.1 *Maximum prices.* The maximum prices of the following oils shall be the following prices:

Imported vegetable oils, bulk, in cents per pound;

	c. i. f. New York	c. i. f. San Francisco
Coconut oil:		
Crude, Manila	8.35	8.00
Crude, Ceylon	8.65	8.50
Cochin type	9.35	9.00
Refined Edible Coconut oil, ex tax.	9.65	9.50
Palm oil—African:		
Soft, basis 12½ F. F. A.	8.25	
Semi, basis 35½ F. F. A.	8.25	
Niger, or hard, basis over 45½ F. F. A.	8.25	
Congo Plantation, basis 16½ F. F. A.	8.30	
Malayan and Sumatra, basis 5½ F. F. A.	8.50	
Palm kernel oil, crude	8.35	
Rapeseed oil, denatured	11.50	
Teased oil, crude, in drums	9.00	

(a) The above prices are for basic grades. The usual or normal differentials for grades above or below these basic grades shall continue to apply.

(b) The usual or normal differentials for type of container shall continue to apply.

(c) The usual or normal differentials, above or below these prices, shall continue to apply for all other shipping points.

(d) Duties, processing taxes and excise taxes may be added to the above c. i. f. prices, and to the prices of refined edible coconut oil.

SEC. 9.2 *Maximum prices.* The maximum prices of the following oils shall be the following prices:

Imported vegetable oils, f. o. b. New York, duties and taxes paid, in cents per pound.

	Tankcars	Drums, carlots
Andiroba		11.00
Behnam oil	11.10	
Caster oil:		
No. 1	13.05	
No. 3	12.75	
Dehydrated, beaded	17.85	
Cahune oil	11.10	
Mari-muru oil	14.03	
Oldfield oil:		
Commercial grade, liquid	23.00	
Condensed		23.00
Curried oil	11.10	
Patana oil	40.00	
Perilla oil, crude	24.50	
Sesame oil	14.20	
Sunflower seed oil, semi-refined	14.20	
Tucum oil	12.05	
Tung oil (China seed oil)		39.00
Utahuba, crude vegetable tallow, barrels or drums, carlots		8.75

(a) The above prices are for basic grades. The usual or normal differentials for grades above or below these basic grades shall continue to apply.

(b) The usual or normal differentials for type of container shall continue to apply.

(c) The usual or normal differentials, above or below these prices, shall continue to apply for all other shipping points.

#### Article X—Shortening and Cooking and Salad Oils

SEC. 10.1 *Maximum prices of processors.* The maximum prices of processors for the following shortenings and cooking and salad oils shall be the following prices:

(a) *Standard shortening.* The maximum delivered prices of Swift's "Jewel" and "Sanco"; Armour's "Vegetole"; Lookout's "Domino"; Wilson's "Advance"; Atlantic Lard's "Royal Aster"; Procter and Gamble's "Flakewhite" and "Fluffo"; Southern's "Scoco" and "Kneedit"; South Texas' "Crustene"; Gulf and Valley's "Blue Plate"; Interstate's "Mrs. Tucker"; Lever Brothers' "Hydora" and Humko's "Humko" and all other brands of standard shortening manufactured or distributed by the processors of these brands shall be the following prices:

	North	South	Pacific Coast
Drums (per pound).....	16.50¢	16.25¢	16.75¢
Cartons:			
(1) 12/4 lbs. (per case).....	\$8.10	\$8.00	\$8.20
(2) 48/1 lbs. (per case).....	8.25	8.15	8.35

(b) *Hydrogenated shortening.* (1) The maximum delivered prices of Procter and Gamble's "Primex"; Lever Brothers' "Cove"; Southern's "Heavy Duty MFB"; Swift's "Vream"; Armour's "Kremite"; and Wilson's "Bakerite" shall be the following prices:

	North	South	Pacific Coast
Drums (per pound).....	17.75¢	17.75¢	17.75¢

(2) The maximum delivered prices of Procter and Gamble's "Sweetex"; Lever Brothers' "Covo Super Mix"; Southern's "Quik Blend"; Swift's "Vreamay"; Armour's "Kremor"; and Wilson's "Bakerite 140" shall be the following prices:

	North	South	Pacific Coast
Drums (per pound).....	18.75¢	18.75¢	18.75¢

(3) The maximum delivered prices of Lever Brothers' "Spry" and Procter and Gamble's "Crisco" shall be the following prices:

	North	South	Pacific Coast
Three and six pound airtight containers (per case).....	\$7.74	\$7.74	\$7.74

(c) *Salad oil.* The maximum delivered prices of Southern's "77" and "Angela Mia"; Gulf and Valley's "Blue Plate"; Procter and Gamble's "Puritan" and "Fluffo"; Swift's "Jewel"; Armour's "Star"; Wilson's "Certified"; South Texas' "Crustene"; Interstate's "Mrs. Tucker" and Humko's "Humko" shall be the following prices:

	North	South	Pacific Coast
(1) Drums (per pound).....	16.50¢	16.50¢	17.00¢
(2) 1/5 gal. can (per can).....	\$6.65	\$6.55	\$6.75
(3) 6/1 gal. can (per case).....	\$8.20	\$8.10	\$8.50

The maximum delivered prices of Southern's "Wesson Oil" shall be the following prices:

	North	South	Pacific Coast
(4) 12/1 qt. cans (per case).....	\$5.40	\$5.35	\$5.39
(5) 24/1 pint cans (per case).....	5.60	5.60	5.65

(d) *Cooking oil.* The maximum delivered prices of Procter and Gamble's "Marigold"; Southern's "88"; Gulf and Valley's "Clarola"; Swift's "Golden West"; Armour's "Supreme"; Wilson's "Laurel"; South Texas' "Magnolia" and

Interstate's "White Beauty" shall be the following prices:

	North	South	Pacific Coast
(1) Drums (per pound).....	16.00¢	16.00¢	16.50¢
(2) 1 5-gal. can (per can).....	\$6.45	\$6.35	\$6.55
(3) 6 1-gal. cans (per case).....	\$7.95	\$7.85	\$8.25

Sec. 10.2 *Differentials*—(a) *Quantity.* The maximum delivered prices of hydrogenated and standard shortenings, established in section 10.1 above, are the maximum delivered prices for hydrogenated and standard shortenings when shipped in (1) carlots or (2) the quantity to which the lowest price is usually applied in the processor's published lists. When hydrogenated and standard shortenings are shipped in less than (1) carlots or (2) the quantity to which the lowest price is usually applied in the processor's published lists, the usual or normal differential for such a quantity shall continue to apply.

(b) *Quantity.* The maximum delivered prices of salad and cooking oils, established in section 10.1 above, are the maximum prices for salad and cooking oils when shipped in the quantities usually named in the processor's published lists. When salad and cooking oils are shipped in carlots on which a refining in transit privilege is applicable the usual or normal discount (if any) from the maximum prices established in the Schedule shall continue to apply. When shipped in a quantity less than the quantity to which the lowest price is usually applied in the processor's published lists, the usual or normal differential over the maximum prices established in this schedule shall continue to apply.

(c) *Container.* When hydrogenated and standard shortenings and salad and cooking oils are sold in containers of different sizes from the container sizes named in section 10.1, the usual or normal differential for size of container shall continue to apply.

(d) *Cash discounts.* The maximum prices of hydrogenated and standard shortenings and salad and cooking oils, established in Section 10.1, are the maximum prices before cash discounts. The usual or normal discount for the receipt of payment within the period usually specified in the processor's published lists shall continue to apply.

(e) *Area.* The maximum prices of hydrogenated and standard shortenings and salad and cooking oils, established in Section 10.1, are basic prices for the three areas named (North, South, and Pacific Coast). The usual or normal differentials which have applied in the past over base prices to some points within these areas shall continue to apply.

(f) *Limitation.* The maximum prices of hydrogenated and standard shortenings and salad and cooking oils, established in this Article X are the maximum prices on sales made by processors. These prices are not the maximum prices on sales made by wholesalers and retailers.

(g) The maximum prices established in Section 10.1, shall apply to sales to any person.

(h) The usual or normal differentials for type of purchaser shall continue to apply.

(i) *Branch houses and car routes.* Where a processor sells a brand of standard or hydrogenated shortening enumerated in Section 10.1 hereof through a branch house or car route owned by the processor or owned by a corporation more than 50% of whose stock is owned or controlled by the processor, to a purchaser other than (1) a jobber, or (2) a wholesaler, or (3) a purchaser who buys a carlot or that quantity to which the lowest price usually is applied in the processor's published lists, or (4) a purchaser who during the years 1941 and 1942 customarily has bought in carlots or the quantity to which the lowest price usually is applied in the processor's published lists, the processor's maximum price on such sales shall be 106% of the lesser of (i) the amount that he bills his branch house or car route for the shortening so sold, or (ii) the maximum price permitted him by sections 10.1 to 10.2 (h) inclusive, for carlot shipments of the shortening so sold.

(j) *Branch houses and car routes.* Where a processor sells a brand of salad or cooking oil enumerated in section 10.1 hereof through a branch house or car route owned by the processor or owned by a corporation more than 50% of whose stock is owned or controlled by the processor, to a purchaser other than (1) a jobber, or (2) a wholesaler, or (3) a purchaser who buys a carlot or that quantity to which the lowest price usually is applied in the processor's published lists, or (4) a purchaser who during the years 1941 and 1942 customarily has bought in carlots or the quantity to which the lowest price usually is applied in the processor's published lists, the processor's maximum price on such sales shall be 110% of the lesser of (i) the amount that he bills his branch house or car route for the oil so sold, or (ii) the maximum price permitted him by sections 10.1 to 10.2 (h) inclusive, for carlot shipments of the oil so sold.

Sec. 10.3 *Maximum prices of brands for which maximum prices are not established in section 10.1.* (a) The maximum price of a brand of shortening, the maximum price of which is not established in section 10.1, shall be determined according to the provisions of the General Maximum Price Regulation except that the period from January 16, 1942 to January 31, 1942 inclusive shall be substituted for the period of the month of March 1942 in determining the highest price which may be charged in accordance with §§ 1499.2 and 1499.3 thereof.

(b) The maximum price of a brand of salad or cooking oil, which is not specifically named in section 10.1, shall be determined according to the provisions of the General Maximum Price Regulation, except that the period from

January 16, 1942 to January 31, 1942 inclusive shall be substituted for the period of the month of March 1942 in determining the highest price which may be charged in accordance with §§ 1499.2 and 1499.3 thereof.

**SEC. 10.4 Applications for adjustment of maximum prices by processors.** If the processor of a brand of shortening, or of a brand of salad or cooking oil, the maximum price of which is not established in section 10.1, feels that his brand should command the same maximum price as those brands for which a maximum price is established in section 10.1, or if he feels that the maximum price for his brand, as computed under section 10.3, is unduly low in relation to the maximum prices of those brands the maximum prices of which are established in section 10.1, he should file an application for adjustment with the Office of Price Administration in accordance with the procedure set forth in Revised Procedural Regulation No. 1. Such application should set forth in detail the reasons why the applicant believes his brand should command the maximum price requested by the applicant in his application. The application should also set forth in detail the price relationship between the applicant's brand and one of the brands specifically named in section 10.1.

**SEC. 10.5 Definitions.** When used in this Article X, the following terms shall have the following meanings:

(a) "Standard shortening" means a shortening which is (1) made from hardened vegetable oil or (2) made from a mixture of vegetable oil and animal fat and/or hardened marine animal oils. It must conform with the following specifications:

**Suspended matter:** The shortening must be free from any appreciable amount of suspended matter.

**Taste and odor:** The shortening must be free from rancidity, foreign odor and sourness.

**Moisture:** The moisture must not exceed 0.3% (Vacuum Oven Method, Official Agricultural Chemists Association, 6th ed., 1940, p. 423).

**Smoke point:** The shortening must withstand a temperature of 400 degrees F. without smoking.

**Stability:** The stability of the shortening must be not less than three hours (Active Oxygen Method; King, Roschen and Irwin; Oil and Soap, 10, 105, June, 1933).

**Plasticity:** The shortening must remain solid, and be plastic and workable at a temperature within the range from 70 degrees F. to 90 degrees F.

**F. F. A.:** The F. F. A. must not exceed 0.3% (Method, Official Agricultural Chemists Association, 6th ed., 1940, p. 436).

(b) "Hydrogenated shortening" means a shortening made entirely from vegetable oils, each of which has been hydrogenated to some extent. It must conform with the following specifications:

**No free oils:** The shortening must contain no free oils.

**Suspended matter:** The shortening must be free from any appreciable amount of suspended matter.

**Taste and odor:** The shortening must be free from rancidity, foreign odor and sourness.

**Moisture:** The moisture must not exceed 0.3% (Vacuum Oven Method Official Agricultural Chemists Association, 6th ed., 1940, p. 423).

**Smoke point:** The shortening must withstand a temperature of 400 degrees F. without smoking.

**Stability:** The stability of the shortening must be not less than three hours (Active Oxygen Method; King, Roschen and Irwin; Oil and Soap, 10, 105, June, 1933).

**Plasticity:** The shortening must remain solid and be plastic and workable at a temperature within the range from 70 degrees F. to 90 degrees F.

**F. F. A.:** The F. F. A. must not exceed 0.12% (Method, Official Agricultural Chemists Association, 6th ed., 1940, p. 430).

**Iodine number:** The iodine number must not exceed 80 (Hanus Method, Official Agricultural Chemists Association, 6th ed., 1940, p. 429).

(c) The term "North" includes the following states:

Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Ohio, Indiana, Michigan, Illinois, Wisconsin, Iowa, Minnesota, Nebraska, South Dakota, North Dakota, Colorado, Wyoming.

The term "South" includes the following states:

Delaware, Maryland, Washington, D. C., West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Missouri, Arkansas, Louisiana, Kansas, Oklahoma, Texas, New Mexico.

The term "Pacific Coast" includes the following states:

Washington, Oregon, California, Montana, Idaho, Nevada, Utah, Arizona.

(d) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of the foregoing.

#### Article XI—Lard

**SEC. 11.1 Maximum prices.** The maximum prices of lard shall be the prices computed as follows:

(a) **Chicago and East St. Louis basing points area.** This area shall include that part of the continental United States east of the Mississippi River and north of the northern boundaries of Tennessee and North Carolina, except Minnesota. Chicago and East St. Louis basing points maximum prices:

(1) Loose lard 12.80 cents per pound, in tank cars, delivered within corporate limits of basing points.

(2) Base or standard commercial refined lard, 14.55 cents per pound, in tierces, delivered within corporate limits of basing points.

(i) The maximum price that may be charged by any processor for loose lard, delivered, at any community in this area outside the corporate limits of the basing points, shall be 12.80 cents per pound, plus the tankcar freight rate per pound on loose lard from the nearest basing point in the area to the community of

sale. No other charges may be added to this delivered price.

(ii) The maximum price at which a processor may sell base or standard commercial refined lard in tierces, delivered, at any community in this area, outside the corporate limits of the basing points, shall be 14.55 cents per pound, plus the packing house product freight rate, tare added, between the nearest basing point and the community of sale. No other charges may be added to this delivered price.

(b) **Kansas City basing point area.** This area shall include that part of the continental United States east of the Mississippi River and south of the southern boundaries of Kentucky and Virginia. Kansas City basing point maximum prices:

(1) Loose lard, 12.55 cents per pound, in tank cars, delivered within corporate limits of Kansas City.

(2) Base or standard commercial refined lard, 14.30 cents per pound, in tierces, delivered within corporate limits of Kansas City.

(i) The maximum price that may be charged by any processor for loose lard, delivered, at any community in this area shall be 12.55 cents per pound, plus the tank-car freight rate per pound on loose lard from the basing point for this area to the community of sale. No other charges may be added to this delivered price.

(ii) The maximum price at which a processor may sell base or standard commercial refined lard in tierces, delivered, at any community in this area shall be 14.30 cents per pound, plus the packing house product freight rate, tare added, between the basing point and the community of sale. No other charges may be added to this delivered price.

(c) **Multiple basing point area.** This area shall include that part of the continental United States west of the Mississippi River and all of the State of Minnesota. Basing points shall be as follows:

**Iowa:** Cedar Rapids, Davenport, Des Moines, Dubuque, Fort Dodge, Marshalltown, Mason City, Ottumwa, Waterloo.

**Minnesota:** Albert Lea, Austin, Duluth, South St. Paul, St. Paul, Winona.

**Missouri:** Joplin, Kansas City, South St. Joseph, Springfield.

**Nebraska:** South Omaha, Omaha.

Maximum prices at each of these basing points shall be as follows:

(1) Loose lard, 12.55 cents per pound, in tank cars, delivered within corporate limits of basing points.

(2) Base or standard commercial refined lard, 14.30 cents per pound, delivered within corporate limits of basing points.

(i) The maximum price that may be charged by any processor for loose lard, delivered, at any community in this area, outside the corporate limits of the basing points, shall be 12.55 cents per pound, plus the tank-car freight rate per pound or loose lard from the nearest basing point in the area to the community of sale. No other charges may be added to this delivered price.



(ii) The maximum price at which a processor may sell base or standard commercial refined lard in tierces, delivered, at any community in this area, outside the corporate limits of the basing points, shall be 14.30 cents per pound, plus the packing house products freight rate, tare added, between the nearest basing point and the community of sale. No other charges may be added to this delivered price.

SEC. 11.2 *Quality differentials.* To determine his maximum price for lard other than loose lard or base or standard commercial refined lard in tierces, the processor should determine his maximum price for base or standard commercial refined lard in tierces, in accordance with this schedule, and to this figure add no more than, or, subtract at least the quality differentials hereinafter set forth for the appropriate type of lard, irrespective of area, quantity or type of package:

Prime steam-----	¾ cent per pound under base or standard commercial refined lard.
Rendered pork fat..	1 cent per pound under base or standard commercial refined lard.
Refined rendered pork fat.	¾ cent per pound under base or standard commercial refined lard.
Base or standard commercial refined lard.	None.
Special refined hardened lard.	¾ cent per pound over base or standard commercial refined lard.
Open kettle rendered lard.	½ cent per pound over base or standard commercial refined lard.
Neutral lard-----	1 cent per pound over base or standard commercial refined lard.
Edible lard oil----	1½ cents per pound over base or standard commercial refined lard.
Lard flakes-----	1½ cents per pound over base or standard commercial refined lard.
Rendered pork fat flakes.	1½ cents per pound over rendered pork fat.
Swift and Company's Bland lard.	4/10 cent per pound over base or standard commercial refined lard.

SEC. 11.3 *Container differentials.* (a) To determine his maximum price for lard sold in other than tierces, the processor should first compute his maximum price for the particular type of lard involved, in accordance with the above provisions of this schedule; then, to this figure he may add a sum equal to, but no more than, the differential hereinafter set forth for the appropriate type of package, irrespective of area, quantity or quality:

	Cents per lb.
Tierces-----	None
400 pound non-returnable steel drums.	None
120 pound non-returnable steel drums.	None
57 pound tubs-----	None
65 pound hardwood tubs-----	½
50 pound tins-----	¼
25 pound tins-----	½
20 pound tins-----	1
16 pound tins-----	1
20 pound wooden pails-----	1
8 pound tins-----	1
4 pound tins-----	1½

	Cents per lb.
3 pound tin or fibre containers-----	1¼
8 pound cartons-----	¼
4 pound cartons-----	¼
2 pound cartons-----	¼
1 pound cartons-----	¼

(b) If a processor sells lard in a type of package not listed in section 11.3 (a) above, his maximum price for lard sold in such type of package shall be his maximum price for the particular type of lard involved, in accordance with this schedule plus the usual or normal differential for such type of package.

SEC. 11.4 *Quantity differentials.* (a) The maximum prices for processors, established by sections 11.1 to 11.3 of this schedule, are maximum prices for carload sales of a lard commodity or combination of lard commodities where such carload is sold to one buyer and shipped in one shipment whether a through car shipment, single destination, or a stop-over joint car shipment, more than one destination.

(b) The processor's maximum price for less than carload sales shall be the processor's maximum delivered price at the community of sale, as established by section 11.1 to 11.3 of this schedule, plus ¾ cent per pound.

(c) Section 11.4 shall apply whether the sale is made direct or through branch house or car route activity or similar form of selling, so long as such selling unit is processor-owned or operated.

SEC. 11.5 *Cash lard.* The maximum price for cash lard shall be 13.80 cents per pound, Chicago basis, and the maximum price for lard futures contracts traded on the Chicago Board of Trade shall be 13.80 cents per pound.

SEC. 11.6 *F. S. C. C. lard.* The maximum price per pound, f. o. b. shipping point, for lard sold to the Federal Surplus Commodity Corporation shall be the maximum delivered price, per pound, permitted by this schedule for carload quantities of similar lard, similarly packed, sold to other purchasers, and delivered at the point of shipment.

SEC. 11.7 *Lard flakes.* Where a Chicago processor sells lard flakes to another processor who is to use such lard flakes in the manufacture of war lard and the purchasing processor's maximum selling price on base or standard commercial refined lard, as established under this Article XI, is lower than the maximum price on base or standard commercial refined lard, as established for the corporate limits of Chicago under section 11.1 (a), the maximum price on such lard flakes shall be the maximum price on lard flakes, as established for the corporate limits of Chicago under section 11.1 (a), plus the actual cost of freight from the seller's plant to the buyer's plant. Where the maximum price on lard flakes is computed under this section 11.7, the maximum selling price of the purchasing processor on war lard, in whose manufacture such lard flakes are used, shall be the maximum price on war lard, as established for the

corporate limits of Chicago under section 11.1 (a), plus ½ cent per pound.

SEC. 11.8 *Definitions.* When used in this Article XI, the term:

(a) "Loose lard" means lard conforming with paragraph 29, section 1, Regulation 1 of the Meat Inspection Regulations of the United States Department of Agriculture regardless of rendering method and not refined or packaged.

(b) "Prime steam lard" shall be considered the same as loose lard both as to definition and price consideration except that it shall be rendered in steam tanks.

(c) "Cash lard" means prime steam lard in tierces conforming with the requirements of paragraph 1479, pages 183-184, of the Rules and Regulations of Board of Trade of City of Chicago, March 8, 1941.

(d) "Rendered pork fat" means those rendered edible pork fats, regardless of rendering method, not eligible for lard as such, in accordance with paragraph 30, section 1, Regulation 1 of the Meat Inspection Regulations of the United States Department of Agriculture.

(e) "Refined rendered pork fat" means rendered pork fat, as defined above, regardless of rendering method used in processing such pork fats, refined under standard commercial practice to conform to the following specifications:

*Moisture:* Not to exceed 0.3% as tested by the vacuum oven method of the Association of Official Agricultural Chemists.

*Suspended matter:* Shall be free from appreciable amounts of suspended matter.

*F. F. A.:* Not to exceed 0.5% as tested by method of the Association of Official Agricultural Chemists.

*Taste and odor:* Shall be mild, sweet and normal.

*Stability:* Not less than three hours, as determined by active oxygen method. (King, Roschen & Irwin, Oil and Soap 10, 105, June, 1933.)

(f) "Base or standard commercial refined lard" means that kind of lard produced from loose lard, regardless of rendering method used in making the loose lard, and refined under standard commercial practice to conform to the following specifications:

*Moisture:* Not to exceed 0.3%. (Same test as above.)

*Suspended matter:* Shall be free from appreciable amounts of suspended matter.

*F. F. A.:* Not to exceed 0.5%. (Same test as above.)

*Taste and odor:* Shall be mild, sweet and normal for pure lard.

*Stability:* Not less than three hours as determined by active oxygen method.

*Plasticity:* Shall remain solid and be plastic and workable at ordinary temperatures.

(g) "Special refined hardened lard" means lard which conforms to the requirements of base or standard commercial refined lard, as above defined, with the addition of a minimum of 8% lard flakes which have a minimum titre of 57° C. and shall conform to the following specifications:

*Moisture:* Not to exceed 0.2%. (Same test as above.)

**Suspended matter:** Shall be free from appreciable amounts of suspended matter.  
**F. F. A.:** Not to exceed 0.5%. (Same test as above.)

**Taste and odor:** Shall be mild, sweet and normal for pure lard.

**Stability:** Not less than three hours as determined by active oxygen method.

**Melting point:** Not less than 45° C., as tested by Wiley Method of the Association of Official Agricultural Chemists.

(h) "Open kettle rendered lard" means that kind of lard which is produced from 100% leaf fat or any mixture of leaf fat and back fat down to a minimum of 40% leaf fat, and is kettle rendered in a regular commercial manner to conform to the following specifications:

**Moisture:** Not to exceed 0.3%. (Same test as above.)

**Suspended matter:** Shall be free from appreciable amounts of suspended matter.

**F. F. A.:** Shall be less than 0.5%. (Same test as above.)

**Taste and odor:** Shall have a characteristic kettle rendered flavor.

**Stability:** Not less than five hours as determined by active oxygen method.

**Plasticity:** Shall remain solid and be plastic and workable at ordinary temperatures.

(i) "Neutral lard" means that kind of lard from fresh chilled leaf-fat only, rendered at a temperature not exceeding 130° F., to conform to the following specifications:

**Moisture:** Not to exceed 0.3%. (Same test as above.)

**Suspended matter:** Shall be free from appreciable amounts of suspended matter.

**F. F. A.:** Not to exceed 0.5%. (Same test as above.)

**Taste and odor:** Shall be neutral in flavor.

**Stability:** Not less than ten hours as determined by active oxygen method.

(j) "Lard flakes" means hydrogenated lard which conforms with paragraph 29, section 1, Regulation 1 of the Meat Inspection Regulations of the United States Department of Agriculture. The titre shall not be less than 57° C. and free fatty acid shall not exceed 0.2%.

(k) "Rendered pork fat flakes" means hydrogenated rendered pork fat conforming to paragraph 30, section 1, Regulation 1 of the Meat Inspection Regulations of the United States Department of Agriculture.

(l) "Edible lard oil" means the liquid or oil portion mechanically pressed from prime steam lard that has a minimum stability of seven hours measured by the active oxygen method and that has been previously conditioned by seeding under controlled temperatures, which oil conforms to the following specifications:

**Moisture:** Not to exceed 0.3% as tested by the vacuum oven method of the Association of Official Agricultural Chemists, 6th ed., 1940, P. 423.

**Suspended matter:** Shall be free from any appreciable amount of suspended matter.

**F. F. A.:** Shall not exceed 0.5% as tested by Association of Official Agricultural Chemists, 6th ed., 1940, P. 436.

**Taste and odor:** Shall be mild, sweet, and normal for pure lard.

**Viscosity:** At 100° F., Saybolt Method, shall be not more than 200 seconds.

(m) "Tare" means 15% of the packing house product freight rate, whether carload sale or less than carload sale and regardless of package or type of lard.

(n) "Packing house product freight rate" means the packing house product freight rate, published in public tariffs for minimum 30,000 pound weight packing house products (except canned meats) or if no rate for 30,000 pound minimum weight same class is available the nearest minimum weight carload established for same class shall apply in computing maximum prices under this Article XI.

(o) "Community of sale" means that point at which the purchaser from the processor resells the lard so purchased, regardless of the point at which actual delivery of the lard from the processor to the purchaser takes place.

(p) "The maximum price delivered" means the maximum price delivered at the community of sale, as established by section 11.1 (a) (b) and (c), regardless of the method of shipment and regardless of the point at which actual delivery of the lard from the processor to the purchaser takes place. It also means the actual dollars and cents figure, as computed decimally under this Article XI, and no higher price may be charged, although the processor may adjust this maximum price downward to the next nearest eighth of a cent or lower figure, if he so desires.

#### Article XII—Oleo

Sec. 12.1 **Maximum prices.** The maximum prices of the following fats and oils shall be the following prices:

Oleo—Packed in used drums or barrels, f. o. b. Chicago:	Cents per pound
Extra oleo stock.....	12.75
Prime oleo stock.....	12.59
Extra oleo oil.....	13.04
Prime oleo oil.....	12.75
Prime oleo stearine.....	10.61

(a) The usual or normal differentials for grade, quantity, container and type of purchaser, above or below these prices for basic grades, shall continue to apply.

(b) The usual or normal differentials, above or below these f. o. b. Chicago prices, shall continue to apply for all other shipping points.

#### Article XIII—Wool Grease

Sec. 13.1 **Maximum prices.** The maximum prices of the following fats and oils shall be the following prices:

	Titre minimum	F. F. A. maximum	M. I. U. basis (percent)	F. A. C. maximum untreated and unbleached	Cents per pound
<b>TALLOWES</b>					
Edible.....	41.5	1	1	5.....	9½
Fancy.....	41.5	4	1	7.....	8½
Choice.....	41	5	1	9.....	8¼
Prime, renderers prime, primo packers, or extra.....	42.5	6	1	13 or 11B.....	8¼
Special.....	42.5	10	1	19 or 11C.....	8½
No. 1.....	42.5	15	13	33.....	8½
No. 3.....	42.5	20	13	37.....	8¼
No. 2.....	43	25	13	No color.....	8¼
Naphtha extracted tallow.....	43	50	3	No color.....	7½
<b>GREASES</b>					
Choice white.....	37	4	1	13 or 11B.....	8¼
A. white.....	37	8	1	15.....	8¼
B. white.....	37	10	1	19 or 11C.....	8½
Yellow.....	37	15	13	37.....	8¼
Hous.....	37.5	20	13	33.....	8¼
Brown.....	38	50	1	No color.....	7½
Fleshing and/or Glue grease No. 1.....	38	15	2	15.....	8¼
Fleshing and/or Glue grease No. 2.....	38	40	2	21.....	8
No. 1 pig skin & Pigstout.....	34	2	1	9.....	9½
Garbage grease.....	34	60	3	No color.....	7

**Wool grease:** f. o. b. producer's plant, in returnable drums, carlots.

Cents per pound

U. S. P. lanolin, anhydrous cosmetic grade.....	35
U. S. P. lanolin, pharmaceutical type.....	33
U. S. P. lanolin, hydrous.....	32
Technical lanolin, bleached and deodorized, ash maximum ¼ of 1%, moisture maximum ¾ of 1%, acid maximum ¾ of 1%, 1½% loss with petroleum ether extraction, color 3½ A. S. T. M. standard.....	31
Neutral wool grease, fully refined, acid maximum 2%, ash maximum ¼ of 1%, moisture maximum 1%.....	29
Neutral wool grease, fully refined, over 2% acid, ash maximum ¼ of 1%, moisture maximum 1%.....	27½
Crude centrifugal wool grease, known as dry, moisture maximum 2½%, ash maximum ¾ of 1%, maximum 1½ F. F. A.....	20
Crude centrifugal wool grease, known as wet, over 5% moisture, maximum 2½ F. F. A., not refined, anhydrous grease basis.....	17
Common Degras, moisture maximum 2½%, ¼ to 1% ash, maximum 11% F. F. A.....	12
Common Degras, moisture maximum 2½%, ¼ to 1% ash, maximum 20% F. F. A.....	11
Common Degras, moisture maximum, 2½%, ¼ to 1% ash, maximum 30% F. F. A.....	10

(a) The usual or normal differential for type of container shall continue to apply.

(b) The usual or normal differentials for grades above or below the listed grades shall continue to apply.

(c) When shipped in less than carload lots, the usual or normal premium shall continue to apply.

(d) The maximum price of an imported wool grease, duties and taxes paid, shall be the maximum price established above for the closest grade of domestic wool grease.

#### Article XIV—Tallowes and Greases

Sec. 14.1 **Maximum prices.** The maximum prices of the following tallowes and greases shall be the following prices:

**Tallowes and greases.** F. o. b. producer's plant, in tank cars or tank trucks, or in returnable or non-returnable drums, barrels, or tierces, carlots:

(a) Materials of less than 40 titre shall be deemed greases and shall be priced only on the basis of the maximum prices set forth above for greases; and materials of more than 39.9 titre shall be deemed tallows and shall be priced only on the basis of the maximum prices set forth above for tallows.

(b) Each type or grade of tallow or grease must be designated by the name customarily applied to it by the trade prior to August 1, 1942, and must be priced on the basis of the specifications prescribed in section 14.1 for such type or grade.

(c) The usual or normal differentials for grades, or grades with specifications other than those listed above, shall continue to apply. Bleaching qualities of any material, however, do not constitute any better grade, and do not justify any premium.

(d) When shipped in less than carload lots, the usual or normal premium shall continue to apply.

(e) When any of the above named tallows or greases are sold in drums, barrels or tierces (1) to a buyer who has obtained a priority rating or priority order for such tallows or greases from the Food Distribution Administration, (2) by a seller who customarily has charged a premium for tallows or greases when sold in drums, barrels or tierces to a person engaged in a business similar to that in which the buyer is engaged, the maximum prices of such tallows or greases shall be the prices set forth above, plus the differentials hereinafter set forth for the type of container in which the tallows or greases are shipped:

Container	Differentials to be added in cents per pound
Returnable drums, barrels or tierces.....	3%
Non-returnable drums, barrels, or tierces.....	1

(f) The maximum prices for sales of the above tallows and greases to the Federal Surplus Commodity Corporation, in non-returnable tierces, shall be the prices set forth in section 14.1 above, plus 1¢ per pound.

SEC. 14.2 *Imported tallows and greases.* The maximum prices of imported tallows and greases, with duties and taxes paid, f. o. b. port of entry, shall be the maximum prices set forth above for the nearest domestic grade at the producer's plant.

#### Article XV—Soapstocks and Fatty Acids

SEC. 15.1 *Maximum prices of raw soapstocks.* The maximum prices of the following raw soapstocks shall be the following prices:

	Cents per lb. delivered in tankcars
Cottonseed foots, basis 50% T. F. A.:	
Midwest and West Coast.....	3½
East.....	3½
Corn foots, basis 50% T. F. A.:	
Midwest.....	3½
East.....	3½
Soybean foots, basis 50% T. F. A.:	
Midwest and West Coast.....	3½
East.....	3½

SEC. 15.2 *Maximum prices of recovered or acidulated soapstocks.* The maximum prices of the following recovered or acidulated soapstocks shall be the following prices:

	Cents per lb. delivered in tankcars
Soybean oil, basis 95% T. F. A.:	
Midwest and West Coast.....	7
East.....	7¼
Corn oil, basis 95% T. F. A.:	
Midwest.....	7
East.....	7¼
Peanut oil, basis 95% T. F. A.:	
Midwest.....	8
East.....	8¼
Acidulated cottonseed foots (black grease) basis 95% T. F. A.:	
Midwest and West Coast.....	7½
East.....	7¾
Coconut oil, 98% saponifiable.....	10½

SEC. 15.3 *Maximum prices of distilled fatty acids.* The maximum prices of the following distilled fatty acids shall be the following prices:

	Cents per lb. delivered, tank cars	Cents per lb. delivered, carloads, in returnable drums or nonreturnable packages
Tallow:		
East.....	12	12¾
Texas and Oklahoma.....	12½	13¼
West of Rockies.....	13	13¾
Cottonseed, single distilled:		
East.....	11¼	12
Texas and Oklahoma.....	11½	12½
West of Rockies.....	12¼	13
Cottonseed, double distilled:		
East.....	11¼	12½
Texas and Oklahoma.....	12¼	13
West of Rockies.....	12¾	13½
Coconut, undistilled, #2 grade.....	13¾	
Coconut, distilled, #1 grade.....		15½
Coconut, triple distilled, special light color.....		16¾

	Cents per lb. f. o. b. producer's plant, tank cars	Cents per lb. f. o. b. producer's plant, carloads, in returnable drums or nonreturnable packages
Soya bean oil, from foots.....	11	11¾
Soya bean oil, from crude.....	15¼	16¼
Corn oil, from foots.....	11	11¾
Peanut oil, from foots.....	11¼	12

(a) When shipped in less than carload lots, the usual or normal premium shall continue to apply.

(b) The usual or normal differential for type of container shall continue to apply.

(c) The usual or normal differentials for grade above or below the listed grades shall continue to apply.

(d) The maximum prices of fractionated fatty acids shall be computed in accordance with the provisions of Article II of this Maximum Price Regulation No. 53.

SEC. 15.4 *Maximum prices of split fatty acids.* (a) Tolling charge for splitting fats and oils. The maximum toll which may be charged for splitting fats

and oils shall be (in addition to the retention of the glycerin for the account of the splitter) 75c. per 100 pounds in tankcar lots for all material testing under 20 F. F. A. and \$1.00 per 100 pounds in tankcar lots for all material testing 20 F. F. A. and over. All freight shall be for the account of the owner. The normal premium for less than tankcar lots shall continue to apply.

(b) *Maximum prices for split fatty acids.* The maximum price of split fatty acids, tankcars, f. o. b. seller's plant, shall be the cost, on a tankcar basis, of the raw materials from which the split fatty acids are made, delivered the seller's plant, plus 75c. per 100 pounds for raw materials testing under 20 F. F. A. or plus \$1.00 per 100 pounds for raw materials testing 20 F. F. A. and over.

(1) When shipped in less than carload lots, the usual or normal premium for fatty acids so shipped shall continue to apply.

(2) When shipped in containers other than tankcars, the usual or normal differential for fatty acids when shipped in such other type of container shall continue to apply.

SEC. 15.5 *Maximum prices of stearic acid and oleic acid.* The maximum prices of the following stearic acids and oleic acids shall be the following prices:

	Cents per lb. del'd east of Rockies	Cents per lb. del'd Texas and Oklahoma	Cents per lb. del'd west of Rockies
Stearic acid, carloads, in bags:			
Single pressed.....	15¾	15¾	16¾
Double pressed.....	15¾	15¾	16¾
Triple pressed.....	18¾	19¾	19¾
Oleic acid:			
Tankcars.....	12¾	13	13¾
Carloads, in returnable drums or barrels.....	13¾	13¾	14¼
Double distilled oleic acid:			
Carloads, in returnable drums.....	15¾	16¾	16¾
Carloads, in special drums or barrels (packages included).....	16¾	17¾	17¾
Hydrogenated fish oil fatty acid, 62° titre, carloads, in bags.....	14¾	15¾	15¾

(a) When shipped in less than carload lots, the usual or normal premium shall continue to apply.

(b) The usual or normal differential for type of container shall continue to apply.

(c) The usual or normal differentials for grades above or below the listed grades shall continue to apply.

#### Article XVI—Marine Animal Oils

SEC. 16.1 *Maximum prices.* The maximum prices of the following oils shall be the following prices:

Marine animal oils—tank cars, all duties and taxes paid:

	Cents per pound
Whale oil, crude, No. 1, f. o. b. American ports.....	11.25
Sperm oil, crude, No. 1, f. o. b. American ports.....	7.75

	Cents per lb.
Seal oil, No. 1, f. o. b. American ports.....	8.90
Menhaden, crude, f. o. b. producer's plant, Atlantic coast.....	8.90
Sardine oil, crude, f. o. b. producer's plant, Pacific coast.....	8.90
Sardine oil, hydrogenated 52°, f. o. b. producer's plant, Pacific coast.....	10.90
Light, cold pressed fish oil (Menhaden and Sardine), fair average quality, delivered.....	12.25
Herring oil, crude, f. o. b. Seattle.....	8.90

(a) The usual or normal differentials for grades, above or below those listed, shall continue to apply.

(b) The usual or normal differentials for type of container shall continue to apply.

(c) No marine animal oil shall be sold at a premium because of its vitamin content, unless such oil is purchased for use because of its vitamin content and contains more than 75 vitamin D units per gram. If purchased for its vitamin content, it may command the usual and normal premium for such vitamin oil, which it commanded on October 1, or November 26, 1941: *Provided*, That this schedule shall not apply to any vitamin oil for which a maximum price has been or may be established by a Maximum Price Regulation.

#### Article XVII—Linseed Oil Shortening and Hydrogenated Linseed Margarine Oil

SEC. 17.1 *Temporary exemption for linseed oil shortening and hydrogenated linseed margarine oil*—(a) *Linseed oil shortening*. Sales of shortening produced wholly from linseed oil, or from a blend of fats and oils containing 30% or more linseed oil, made to the Food Distribution Administration prior to the earlier of the following dates:

(1) The effective date on which maximum prices in terms of dollars and cents are fixed for such shortening, or

(2) September 1, 1943, are exempt from the provisions of this Maximum Price Regulation No. 53, and from the provisions of the General Maximum Price Regulation.

(b) *Hydrogenated linseed margarine oil*. Sales of hydrogenated linseed margarine oil made to margarine manufacturers, for use in making linseed oil margarine for sale to the Food Distribution Administration, which sales to margarine manufacturers are made prior to the earlier of the following dates:

(1) The effective date on which maximum prices in terms of dollars and cents are fixed for such hydrogenated linseed margarine oil, or

(2) September 1, 1943, are exempt from the provisions of this Maximum Price Regulation No. 53, and from the provisions of the General Maximum Price Regulation.

*Effective date*. This regulation shall become effective August 14, 1943.

*NOTE*: The reporting and recording provisions of this regulation are approved by the

Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 9th day or August 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-12921; Filed, August 9, 1943;  
3:27 p. m.]

#### PART 1382—HARDWOOD LUMBER

[Rev. MPR 97, Amdt. 7]

##### SOUTHERN HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

Revised Maximum Price Regulation 97—Southern Hardwood Lumber, is amended in the following respect:

Section 1382.113, Appendix B, is deleted in its entirety.

This amendment shall become effective August 14, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of August 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-12923; Filed, August 9, 1943;  
3:24 p. m.]

#### PART 1388—DEFENSE-RENTAL AREAS

[Correction to Rent Regulation for Hotels and Rooming Houses<sup>1</sup>]

Under the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, the following correction of the Rent Regulation for Hotels and Rooming Houses is hereby issued.

The reference in section 5 (a) (4) to "a tenant or a class of persons" is corrected to read "a tenant of a class of persons."

Issued this 9th day of August 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-12929; Filed, August 9, 1943;  
3:27 p. m.]

#### PART 1420—BREWERY, DISTILLERY AND WINERY PRODUCTS

[MPR 445]

##### DISTILLED SPIRITS AND WINES

By the issuance of this regulation the title of Part 1420 is amended to read as above.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup>8 F.R. 142, 3530, 5177, 5470, 8860.

<sup>1</sup>8 F.R. 7334, 9019, 9021.

A statement of the considerations involved in the issuance of this regulation has been issued and filed with the Division of the Federal Register.\*

§ 1420.201 *Distilled spirits and wines*. Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9323, Maximum Price Regulation No. 445 (Distilled Spirits and Wines), which is annexed hereto and made a part hereof, is hereby issued.

*AUTHORITY*: § 1420.201 issued under Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9323, 8 F.R. 4631.

#### MAXIMUM PRICE REGULATION NO. 445— DISTILLED SPIRITS AND WINE

##### ARTICLE I—MAXIMUM PRICES FOR SALES OF IMPORTED DISTILLED SPIRITS AND IMPORTED WINES BY IMPORTERS

###### Sec.

- 1.1 Purposes of Article I.
- 1.2 General rules for figuring importers' maximum prices.
- 1.3 Meaning of "net cost" used in figuring importers' maximum prices under sections 1.4, 1.5 and 1.6.
- 1.4 Importers' initial maximum prices for items sold or offered for sale during March 1942.
- 1.5 Importers' initial maximum prices for items sold or offered for sale between April 1, 1942 and April 30, 1943 but not sold or offered for sale during March 1942.
- 1.6 Changes in maximum prices for items to which sections 1.4 or 1.5 apply.
- 1.7 Special pricing methods for items not sold or offered for sale during March 1942 and which cannot be priced under section 1.5, and for certain other commodities.
- 1.8 Application for authority to establish maximum prices.
- 1.9 Notice of maximum prices to consumers.
- 1.10 Other provisions of this regulation applicable to sales of imported distilled spirits or wine by an importer.
- 1.11 Dates on which this Article shall apply.

##### ARTICLE II—MAXIMUM PRICES FOR SALES OF BULK DOMESTIC DISTILLED SPIRITS OR WINE BY ANY PERSON, AND FOR SALES OF BULK IMPORTED DISTILLED SPIRITS OR WINE BY PERSONS OTHER THAN THE IMPORTER THEREOF

- 2.1 Other regulations applicable.

##### ARTICLE III—MAXIMUM PRICES FOR SALES OF PACKAGED DOMESTIC DISTILLED SPIRITS BY PROCESSORS

- 3.1 Other regulations applicable.

##### ARTICLE IV—MAXIMUM PRICES FOR SALES OF PACKAGED DOMESTIC WINE BY PROCESSORS

- 4.1 Other regulations applicable.

##### ARTICLE V—MAXIMUM PRICES FOR SALES OF PACKAGED DISTILLED SPIRITS AND PACKAGED WINE BY WHOLESALE, RETAILERS, MONOPOLY STATES AND PRIMARY DISTRIBUTING AGENTS

- 5.1 Purposes of Article V.
- 5.2 General rules for figuring maximum prices.
- 5.3 Determination of "net cost" used in figuring maximum prices for wholesalers, retailers and monopoly states.
- 5.4 Maximum prices for wholesalers.
- 5.5 Maximum prices for retailers.
- 5.6 Maximum prices for monopoly states.
- 5.7 Maximum prices for primary distributing agents.
- 5.8 Notice of maximum prices to consumers.

## Sec.

5.9 Other provisions of this regulation applicable to sales of distilled spirits or wine by a wholesaler, retailer, monopoly state or primary distributing agent.

5.10 Dates on which this Article shall apply.

ARTICLE VI—MAXIMUM PRICES FOR CERTAIN SERVICES RELATING TO THE PRODUCTION OF DOMESTIC DISTILLED SPIRITS AND WINE

6.1 Other regulations applicable.

ARTICLE VII—GENERAL PROVISIONS APPLICABLE TO PERSONS SUBJECT TO THIS REGULATION AND TO MAXIMUM PRICES ESTABLISHED

7.1 Treatment of fractional parts of a cent in figuring maximum prices.

7.2 When a sales tax may be charged in addition to a maximum price.

7.3 When new taxes or increases in existing taxes may be added to a maximum price.

7.4 Use of minimum resale prices under State Fair Trade Laws.

7.5 Adjustment of maximum prices for tax exempt sales to the United States or any agency thereof.

7.6 Certain provisions of the General Maximum Price Regulation continued in effect.

7.7 Export sales.

7.8 Compliance with this regulation.

7.9 Current records required.

7.10 Petitions for amendment.

7.11 Adjustable pricing in certain instances.

7.12 Definitions.

7.13 Geographical applicability.

Article I—Maximum Prices for Sales of Imported Distilled Spirits and Imported Wines by Importers

SECTION 1.1 *Purposes of Article I—(a) Generally.* Article I establishes maximum prices for sales of imported distilled spirits and wines by importers to any purchaser. Maximum prices for sales of bulk imported distilled spirits and bulk imported wines by persons other than the importer must be established under other applicable regulations of the Office of Price Administration or under Article II (when effective) of this regulation. Except for sales which are specifically exempted by Article V of this regulation, maximum prices for sales of packaged imported distilled spirits and packaged imported wines by persons other than the importer must be established under that Article.

(b) *Prior regulations, orders and interpretations superseded.* Except as otherwise provided in this regulation, Article I supersedes all other maximum price regulations, orders and interpretations issued by the Office of Price Administration before August 14, 1943, with respect to sales of imported distilled spirits and wines by importers, in bulk or in packages, including the applicable provisions of the following:

(1) The General Maximum Price Regulation;<sup>1</sup>

(2) Section 2.12 of Revised Supplementary Regulation No. 14;<sup>2</sup>

(3) Section 2.3 (b) of § 1499.26 of Revised Supplementary Regulation No. 1;<sup>3</sup>

<sup>1</sup> 8 F.R. 3098, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025.

<sup>2</sup> 8 F.R. 9787, 9880.

<sup>3</sup> 8 F.R. 4978, 6055, 6363, 6547, 6615, 6852, 6964, 7261, 7270, 7349, 7592, 7600, 7668, 8710, 8754, 9016, 9025, 9218, 9219, 10304.

*Provided*, That such maximum price regulations, orders and interpretations shall remain in force with respect to a particular sale of imported distilled spirits or wine by an importer until provisions of this Article become applicable thereto pursuant to section 1.11.

SEC. 1.2 *General rules for figuring importers' maximum prices.* An importer must observe the following rules in establishing his maximum prices under this Article:

(a) *Division of items.* He must separately price all items he has imported, in his stock at the close of his business on August 9, 1943, according to the group to which the item belongs as follows:

(1) Items which he sold or offered for sale during March 1942. He must figure his initial maximum prices for such items under section 1.4. His maximum prices for the item are to be refigured under section 1.6 if certain elements of his cost change thereafter.

(2) Items which he sold or offered for sale between April 1, 1942 and April 30, 1943, but which he did not sell or offer for sale during March 1942. He must figure his initial maximum prices for such items under section 1.5. His maximum prices for the item are to be refigured under section 1.6 if certain elements of his cost change thereafter.

(3) Items for which special pricing methods are provided in section 1.7. He must figure his maximum prices for any such item under that section, irrespective of the dates on which he previously sold or offered the item for sale. Maximum prices for such items may not be refigured under section 1.6.

(4) Items for which maximum prices are not provided by sections 1.4, 1.5, or 1.7. He must apply to the Office of Price Administration, Washington, D. C., in accordance with section 1.8, for authority to establish maximum prices for such items. Maximum prices thus established may not be refigured under section 1.6.

(b) *Figuring maximum prices for each item separately.* Each item of imported distilled spirits or wine to be sold or offered for sale by an importer after August 13, 1943, must have a separate maximum price. An "item" is a particular brand name, container size and formula of imported distilled spirits or wine. One item must not be considered the same as another if there is any difference in

(1) Their brand names, or  
(2) Their countries of origin, or  
(3) The names of their processors, or  
(4) Their container sizes (bulk as compared with bottles, quarts as compared with fifths, etc.), or

(5) Their formulae (as defined in section 7.12), or

(6) Requirements of United States labeling laws or regulations applicable to each, or in material information contained on their labels. Age, proof, alcohol content, type designation, vintage and ingredients, as stated on the labels, shall be deemed material information.

(c) *Customer classifications.* (1) A separate maximum price must be established for an importer's sales of each item to each class of his customers in

accordance with the section under which the maximum price for the item is established.

(2) Where an importer establishes maximum prices under sections 1.4, 1.5, or 1.6, his customers for sales of the item are to be classified in accordance with his March 1942 customer classification. Where an importer establishes maximum prices under section 1.7, his customers for sales of the item are to be classified only as wholesalers, primary distributing agents, monopoly states, retailers and consumers. Where an importer establishes maximum prices after application to the Office of Price Administration under section 1.8, the maximum prices thus established shall apply only to his sales to the classes of customers stated in the application, or in the order or amendment issued pursuant thereto.

(d) *Discounts, allowances, price differentials and terms of sale.* (1) Customary discounts, allowances and other price differentials in effect during March 1942 in accordance with an importer's March 1942 customer classifications must be applied to his maximum prices established under sections 1.4, 1.5, 1.6 and 1.7: *Provided*, That discounts and allowances based solely on quantity purchases (in dollars or units) need not be maintained: *And, provided further*, That allowances and price differentials in accordance with an importer's March 1942 customer classifications need not be maintained with respect to sales of items for which maximum prices are established under section 1.7.

(2) If an importer makes his terms of sale to a customer more onerous than those in effect during March 1942 for his sales to a customer of the same class, he must make a compensating reduction in his maximum price established under this Article.

(3) If an importer directly or indirectly requires a customer to make any payment in advance of delivery (whether to the importer or to another person), the importer must reduce his maximum price established under this Article for that sale by an amount equal to interest at the rate of 5 percent per annum on the amount of the advance payment from the date the payment is made to the date on which the item is delivered or the payment is refunded to the customer.

(e) *Exchange rates.* The costs used by an importer in figuring his maximum prices must be actual costs which he pays. Amounts paid in foreign currency must be expressed in terms of United States dollars at the actual rate of exchange paid by the importer.

(f) *F. o. b. and delivered prices.* (1) Where an importer's highest price charged during March 1942 to a customer of a particular class (used under sections 1.4, 1.5, or 1.6 to determine his maximum price) is a delivered price or an f. o. b. particular freight base point price, the maximum price established under those sections shall correspondingly be a delivered price or an f. o. b. particular freight base point price, as the case may be.

(2) Maximum prices provided by section 1.7 for sales of bulk imported dis-



tilled spirits and wines are prices f. o. b. port of entry. Maximum prices provided by that section for sales of domestically packaged imported distilled spirits and wines are prices f. o. b. domestic bottling plant.

(g) *Sales and offers to sell.* Where the price for a sale or an offer to sell during a particular period of time is to be used in determining a maximum price under this Article, the price for a sale must be used if a sale was made. An importer may use an offering price only if he made no sale of the item during the particular period.

SEC. 1.3 *Meaning of "net cost" used in figuring importers' maximum prices under sections 1.4, 1.5, and 1.6.* The "net cost" to be used by an importer to figure his maximum prices under sections 1.4, 1.5 and 1.6 is the total of the following elements of cost actually paid by him with respect to a particular purchase of the item to be priced:

(a) *Purchase price.* The foreign vendor's selling price, less all discounts excepting any discount for prompt payment (cash discount),

(1) Including charges for transporting the item to foreign port of embarkation (where shipment to United States port of arrival is made by water), and

(2) Including foreign customs charges and export taxes; but

(3) Excluding any increase in foreign vendor's selling price or charges (1) and (2) which became effective after April 30, 1943.

(b) *Insurance.* Insurance charges for the period during which the item is in transit to the importer's receiving point, including war risk insurance at rates not in excess of applicable rates published by the War Shipping Board.

(c) *Freight.* Ocean freight from foreign port of embarkation to port of arrival in continental United States (where shipment to port of arrival is made by water), or land freight from foreign shipping point to point of arrival in continental United States (where shipment to point of arrival is made by land); inland freight from port or point of arrival to port of entry, and inland freight from port of entry to the importer's customary receiving point for the item (exclusive of charges for hauling, drayage or handling within the metropolitan area of any such port or point). All freight shall be figured at the rate paid.

(d) *Taxes and United States customs duties.* United States excise taxes, United States custom duties, the cost of strip stamps affixed to individual containers and any applicable state or local excise taxes. All taxes and customs duties shall be figured at rates in effect on November 2, 1942.

NOTE: License, income, franchise, receipts, sales, use, or other similar Federal, State or local taxes cannot be included in "net cost".

SEC. 1.4 *Importers' initial maximum prices for items sold or offered for sale during March 1942.*

NOTE: This section does not apply to any item for which special pricing methods are provided under section 1.7.

(a) *Method to be used.* An importer's initial maximum price for sale of an

item which he sold or offered for sale during March 1942 shall be the total of the following:

(1) *Net cost.* His net cost (figured according to section 1.3) per unit of sale

(i) For his latest purchase of the item from his foreign supplier before May 1, 1943, or

(ii) If he made no purchase of the item between January 1, 1943 and April 30, 1943 but received a bona fide written or cable quotation between those dates from his foreign supplier, the net cost that would have been applicable to the same unit of sale if he made a purchase of the item on terms evidenced by the latest such quotation.

NOTE: If a quotation is used, net cost shall be figured according to section 1.3 on the assumption that shipment was made from the foreign supplier's customary shipping point on the date the quotation was received; that the shipment arrived April 30, 1943, and that port or point of arrival and port of entry were those used for the importer's latest actual purchase of the item.

(2) *Mark-up.* The difference between

(i) His net cost (figured according to section 1.3) for his last purchase of the item prior to March 31, 1942 from his foreign supplier out of which he made or offered to make sales during March 1942, and

(ii) The highest price he charged during March 1942 for the unit of sale, or at which he offered to sell that unit to a customer of the particular class, exclusive of any discount for prompt payment (cash discount).

NOTE: For sales of an item he imports, an importer who also sells at wholesale or retail must not use the percentage mark-ups provided in Article V.

(b) *Sales to customers of a class not sold during March 1942.* If an importer sold or offered an item for sale during March 1942 but did not sell or offer to sell it to a customer of a particular class and wishes to make sales of the item to customers of that class, he shall apply to the Office of Price Administration in accordance with section 1.8 for authority to establish an initial maximum price for such sales.

SEC. 1.5 *Importers' initial maximum prices for items sold or offered for sale between April 1, 1942 and April 30, 1943 but not sold or offered for sale during March 1942:*

NOTE: This section does not apply to any item for which special pricing methods are provided under section 1.7.

(a) *Method to be used.* An importer's initial maximum price for sales of an item sold or offered for sale between April 1, 1942 and April 30, 1943, but which he did not sell or offer for sale during March 1942, shall be the total of the following:

(1) *Net cost.* His net cost (figured according to section 1.3) per unit of sale

(i) For his latest purchase of the item from his foreign supplier before May 1, 1943, or

(ii) If he made no purchase of the item between January 1, 1943 and April 30, 1943 but received a bona fide written or cable quotation between those dates from his foreign supplier, the net cost

that would have been applicable to the same unit of sale if he had made a purchase of the item on terms evidenced by the last such quotation.

NOTE: If a quotation is used, net cost shall be figured according to section 1.3 on the assumption that shipment was made from the foreign supplier's customary shipping point on the date the quotation was received; that the shipment arrived April 30, 1943, and that port or point of arrival and port of entry were those used for the importer's last actual purchase of the item.

(2) *Mark-up.* The difference between (i) His net cost (figured according to section 1.3) for his first purchase of the item from his foreign supplier out of which he made or offered to make sales between April 1, 1942 and April 30, 1943, and

(ii) The highest price he charged during March 1942 for the unit of sale or at which he offered to sell that unit of an item of the same type designation to a customer of the particular class, exclusive of any discount for prompt payment (cash discount).

NOTE: One item shall be considered of the same type designation as another only if both items are within the same classification and subclassification of identity under applicable United States labeling laws and regulations, and only if the following matters as stated on the label thereof are identical: Proof, age, vintage, alcohol content, country of origin and container size.

For sales of an item which he imports an importer who sells at wholesale or retail must not use the percentage mark-ups provided in Article V.

(b) *Items of a type not sold or offered for sale during March 1942 to customers of the particular class.* If an importer did not during March 1942 sell or offer to sell an item of the same type as the item being priced to a customer of the particular class, he shall apply to the Office of Price Administration in accordance with section 1.8 for authority to establish an initial maximum price for sales of the item to customers of that class.

(c) *Report of maximum prices established under section 1.5.* On or before September 13, 1943, each importer shall file with the Office of Price Administration, Beverage Section, Washington, D. C., a report of all the items for which his initial maximum prices are established by section 1.5. The report shall be signed by the importer and shall contain

(1) A description sufficient to identify each item for which maximum prices are so established;

(2) A list of his maximum prices therefor to each class of customers, and

(3) An explanation of how those maximum prices were figured, including a description sufficient to identify the item of the same type used to establish such maximum prices.

SEC. 1.6 *Changes in maximum prices for items to which sections 1.4 or 1.5 apply—(a) How long particular maximum prices for such items continue in effect.* An importer's initial maximum prices for items to which sections 1.4 or 1.5 apply, and his refigured maximum

prices for such items shall apply to all his sales and offers to sell of the item so priced made prior to the date on which subsequently refigured maximum prices for sales thereof become applicable in accordance with paragraph (d) of this section.

(b) *When an importer must refigure his maximum prices for such items.* An importer who after August 13, 1943 receives from a foreign supplier a purchase of an item for which his initial maximum prices are established under sections 1.4 or 1.5 shall, before making any sales from that purchase, determine his net cost therefor according to section 1.3.

If such net cost per unit of sale differs from the net cost per unit of sale for the latest purchase used in establishing the importer's maximum prices then in effect for the item, the importer may, if the most recent purchase shows the greater total and he must, if the most recent purchase shows the lesser total, establish refigured maximum prices for the item: *Provided*, That if the item is packaged imported distilled spirits or wine and the difference is 25 cents per case or less, the importer shall not establish refigured maximum prices.

(c) *How an importer must refigure his maximum prices for such items.* An importer required or permitted by this section to establish refigured maximum prices for an item shall determine such prices under sections 1.4 or 1.5 (according to the section he used to establish his initial maximum prices for the item), substituting however, the net cost (figured according to section 1.3) of his most recent purchase of the item for the net cost of his latest purchase thereof before May 1, 1943.

(d) *When refigured maximum prices become applicable.* His refigured maximum prices determined under this section shall apply to stock on hand (in bond or otherwise) and shall be the importer's maximum prices for sales of the item on and after, but not before, the 4th day (exclusive of Sundays and holidays) following receipt (in bond or otherwise) of the purchase to be used to establish such refigured maximum prices, until in turn superseded by other refigured maximum prices subsequently determined: *Provided*, That until, on and after the earliest effective date for prices posted or listed at the first opportunity after the 4th day (exclusive of Sundays and holidays) after receipt of such purchase, refigured maximum prices shall not apply to any sale which an importer is required by statute, ordinance, or regulation to make at a price posted or listed with a State or other public authority before receipt of such purchase.

**SEC. 1.7 Special pricing methods for items not sold or offered for sale during March 1942 and which cannot be priced under section 1.5, and for certain other commodities—**(a) *Sales of bulk or packaged imported distilled spirits or wine not sold or offered for sale during March 1942 and which cannot be priced under section 1.5.*

**NOTE:** Persons other than importers selling bulk imported distilled spirits or wine must establish their maximum prices under other applicable regulations of the Office of Price Administration or under Article II (when effective) of this regulation.

Except as otherwise provided in this section, an importer's maximum price for sales of any bulk or packaged imported distilled spirits or wine not sold or offered for sale during March 1942 and which cannot be priced under section 1.5, shall be a price established after application to the Office of Price Administration pursuant to section 1.8.

(b) *Importers' maximum prices for certain commodities.* An importer's maximum price for sales of any commodity listed below shall be determined according to its base figure as follows:

Item:	Base figure
Cuban gin (as defined in section 7.12)-----	\$1.65
Mexican gin (as defined in section 7.12)-----	1.76

(1) *Imported and sold in bulk by the importer.*

**NOTE:** Maximum prices for sales of such commodity in bulk by persons other than the importer must be established under other applicable regulations of the Office of Price Administration or under Article II (when effective) of this regulation.

An importer's maximum price for sales of such commodity imported by him in bulk shall be as follows:

(i) *Sales in bond.* Its base figure per original proof gallon f. o. b. port of entry, plus inland freight (if paid by the importer) to transport the particular quantity from port or point of arrival in continental United States to the bonded warehouse where it is at date of sale. "Original proof gallon" shall be determined according to first customs gauge in the United States. Freight shall be figured at the carload rate in effect at the date of shipment from port or point of arrival and shall not include hauling, drayage or handling in the metropolitan area of port or point of arrival or port of entry.

(ii) *Tax paid sales f. o. b. port of entry.* The maximum price provided under (i) above for a sale of the same quantity in bond, plus United States customs duties and United States excise taxes paid thereon by the importer at rates in effect on November 2, 1942. The amount of customs duties shall be determined on original proof gallons according to first customs gauge in the United States. The amount of excise taxes shall be determined on the number of proof gallons according to the regauge on which they are paid.

**NOTE:** No amount shall be added for license, income, franchise, receipts, sales, use or other similar taxes.

(2) *Imported in bulk, bottled domestically and sold in packages.*

**NOTE:** Persons other than the importer, bottling such commodity domestically or having it bottled for their account must establish their maximum prices for the packaged item under other applicable regulations of the Office of Price Administration or under Article III (when effective) of this regulation.

An importer's maximum price per case for sales of such commodity imported in bulk, bottled domestically and sold in packages shall be as follows:

(i) *Sales to wholesalers.* The total of the following amounts paid by or for the account of the importer and applicable to the quantity in the case:

(a) Its base figure per proof gallon bottled.

(b) United States customs duties and United States excise taxes at rates in effect on November 2, 1942.

(c) Inland freight from port or point of arrival in continental United States to port of entry nearest the plant where bottling or rectifying is done, and inland freight from port of entry to that plant at the carload rates in effect on the respective dates of shipment. Charges for hauling, drayage, or handling within the metropolitan area of such ports or point, or within the metropolitan area about such plant shall not be included.

(d) 2 percent of the total of (a), (b) and (c) above.

(e) A charge for bottling and casing as follows:

\$1.50 per case of quarts or fifths.

\$2.10 per case of pints.

\$2.85 per case of half pints.

(f) Rectification tax, if any, at the rate paid.

(g) \$1.00 per proof gallon bottled.

(h) The cost of strip stamps affixed to individual containers bottled and cased and applicable state or local excise taxes at rates in effect on November 2, 1942.

**NOTE:** No amount shall be added for license, income, franchise, receipts, sales, use or other similar Federal, state or local taxes.

(ii) *Sales to monopoly states.* The maximum price per case provided in (i) above for sales of the particular container size to wholesalers.

(iii) *Sales to retailers.* The maximum price per case provided in (i) above for sales of the particular container size to wholesalers, plus the percentage mark-up provided by Article V for sales of packaged imported distilled spirits by wholesalers to retailers.

(iv) *Sales to primary distributing agents.* The maximum price per case provided in (i) above for sales of the particular container size to wholesalers, subject to any discount, allowance or price differential agreed upon by the particular importer and primary distributing agent.

(v) *Sales to consumers.* The maximum price per case provided in (i) above for sales of the particular container size to wholesalers plus the percentage mark-up provided by Article V for sales of packaged imported distilled spirits by retailers to consumers.

**NOTE:** An importer's maximum price for individual containers of such commodity shall be his maximum price per case to the particular class of customers divided by the number of individual containers customarily packed in the case.

**SEC. 1.8 Application for authority to establish maximum prices—**(a) *Who shall file.* An importer who seeks to sell

an item for which maximum prices must be established under section 1.7 (a), or who is required by sections 1.4 or 1.5 to apply for authority to establish an initial maximum price for sales of an item to customers of a particular class, shall make application under this section.

(b) *Prohibition.* An importer required to make application for authority to establish a maximum price for an item shall not sell, offer to sell or deliver the item to any person (if the item is one for which maximum prices must be established under section 1.7 (a)) or to the particular class of customers (if a maximum price for sales of the item to a particular class of customers is sought under section 1.4 or 1.5) until the application is filed and authority granted. However, where an importer is required to make application for authority to establish initial maximum prices under section 1.4 or 1.5 he may, if so permitted by applicable statutes, ordinances or regulations and after making the application, continue to sell, offer to sell or deliver the item to the class of customers for which an initial maximum price is sought for 30 days after the application is made, if the sale, offer to sell, or delivery is made under an agreement with the customer to adjust the price charged to an amount no higher than the maximum price later established under this section. With respect to a particular sale which the importer is required to make at a price posted or listed with a state or other Public Authority, the importer may continue so to sell, offer to sell or deliver the item until the effective date for prices thus posted or listed at the first opportunity after the 34th day (including Sundays and holidays) after the application is made.

(c) *Contents of application.* The application shall be in writing, signed by the importer or his authorized agent and sent to the Office of Price Administration, Beverage Section, Washington, D. C. by registered mail. It shall contain the following:

(1) The importer's name and address and the name and address of the person signing the application.

(2) A description of the item for which authority to establish a maximum price is sought, including (if the item is packaged imported distilled spirits or wine) copies of the approved front label and the back label (if any) of any one individual container size of the item. The description shall also supply the following information if not disclosed by such labels:

(i) The type of item (e. g. whiskey, gin, cordial, wine, etc.)

(ii) The brand name.

(iii) The country of origin.

(iv) The name and address of the processor.

(v) If the item is imported distilled spirits, the formula thereof (as defined in section 7.12), or if the item is imported wine, the type designation thereof (as defined in section 7.12).

(vi) The container sizes to be sold.

(3) The maximum prices the importer proposes to establish for sales of the item

to his classes of customers. If the importer has established initial maximum prices under sections 1.4 or 1.5 for sales of the item to certain classes of customers, the application shall also state such maximum prices and the class of customers to which each applies.

(4) The amount of his net cost (as defined in section 1.3) for his latest purchase of the item or if no purchase has been received, an estimate of his net cost (as defined in section 1.3) for the item based upon his last bona fide written or cable quotation from the foreign supplier. Each element of his actual or estimated net cost shall be separately stated.

NOTE: Where increases in the importer's purchase price have become effective after April 30, 1943, the purchase price as of that date and the amount of any subsequent increase therein shall be separately stated.

If a quotation is used, net cost shall be figured according to section 1.3 on the assumption that shipment was made from the foreign supplier's customary shipping point on the date the quotation was received and arrived the same day at a customary port or point of arrival for shipments from the particular supplier.

(5) Any other pertinent information which the importer desires to submit.

(d) *When and how authority is given or denied.*—(1) *Approval of or objection to application.* If within 30 days (including Sundays and holidays) after receipt of the application by the Office of Price Administration, the importer shall not receive notice of objection to the maximum prices proposed in the application by letter from the Office of Price Administration, he shall be deemed authorized to establish such maximum prices for sales of the item to the particular classes of customers described therein: *Provided*, That if within the 30-day period the Office of Price Administration shall by letter request supplemental information with respect to any matter set forth in the application, that period shall be figured from the date on which the requested supplemental information is received in writing by the Office of Price Administration. The authority so granted may be revoked by the Price Administrator at any time. Upon written request of the importer received by the Office of Price Administration within 30 days (including Sundays and holidays) after the date of a notice of objection given under this paragraph, the Office of Price Administration will issue a formal order denying authority to establish the maximum prices requested in his application.

(2) *By order or amendment.* The Price Administrator may, at any time, by order or by amendment to this Article, establish maximum prices for sales of particular items to one or more classes of customers. The maximum prices established by any such amendment shall supersede all maximum prices previously established by an importer pursuant to authority granted under (1) above.

(3) *Compliance with price posting or listing requirements.* Authority to establish maximum prices granted by the Price Administrator pursuant to application under this section or by order or by

amendment to this Article shall not authorize an importer to sell or offer an item for sale until after compliance with provisions of any applicable statute, ordinance or regulation requiring the posting or listing of his prices.

Sec. 1.9 *Notice of maximum prices to consumers.* (a) Each importer who sells or offers imported distilled spirits or wine for sale to consumers shall adopt before August 30, 1943, and thereafter continue to observe one of the following practices with respect to notifying consumers that prices charged are not in excess of maximum prices established under this Article:

(1) *Use of marking on individual containers.* Before delivering an item to a consumer, an importer may mark on the container in plainly visible letters and figures his selling price for the particular brand and container size (exclusive of retail sales taxes), and a statement that the price so marked is his maximum price under this Article or less, and his name and address. The following:

OPA price \$\_\_\_\_\_

(Insert amount)

\_\_\_\_\_

(name of importer)

\_\_\_\_\_

(address of importer)

so written or stamped on a label or on a state or local tax stamp affixed to the container shall be compliance with this requirement.

An importer who is the holder of a license or permit bearing a distinguishing number and issued under an applicable statute or ordinance, authorizing him to make sales of distilled spirits or wine to consumers may substitute such license or permit number for the statement of his name and address required hereunder.

(2) *Use of a sales slip or receipt.* At or before delivering any individual container of imported distilled spirits or wine to a consumer, the importer may hand the purchaser a sales slip or receipt setting forth in plainly visible letters and figures:

(i) The brand name, container size and number of individual containers of each item sold to the purchaser, and

(ii) The selling price of each such individual container, or the total selling price for all such containers (exclusive of retail sales taxes); and

(iii) The name and address of the importer and date of sale.

An importer complying with this requirement shall post and maintain in a place readily visible to consumers making purchases in his establishment a legible sign or placard reading substantially as follows:

Prices charged in this store are our OPA ceiling prices to consumers or less (exclusive of retail sales taxes).

(3) *Use of price posting.* An importer may post his maximum price for each item sold or offered for sale to consumers according to one of the following methods:

(i) By displaying a list of the names of each brand of imported distilled spirits or wine offered for sale to consumers, his maximum price therefor and a statement that such maximum price is his OPA ceiling price to consumers or less (exclusive of retail sales taxes). When more than one type, formula or container size of a particular brand is offered for sale each such type, formula or container size and the maximum price thereof shall be separately itemized. Such list may also contain the importer's selling price for each item described therein. The list shall be posted and maintained in a place readily visible to consumers making purchases in the importer's establishment, shall be in letters and figures plainly visible and legible to such consumers and shall be maintained complete and correct. An importer complying with this requirement shall not sell or offer any item for sale to a consumer until the item and his maximum price therefor is so listed.

(ii) Except when prohibited by statute or ordinance, an importer may mark his selling and/or maximum price for each item on the shelf, bin, rack or other holder thereof in letters plainly visible and legible to consumers making purchases in his establishment. An importer complying with this requirement shall so maintain complete and correct markings of his selling and/or maximum prices for all items he offers for sale to consumers and shall not sell or offer any item for sale to a consumer until his selling price therefor is thus marked.

(iii) An importer posting or marking prices in accordance with (i) or (ii) above shall post and maintain in a place readily visible to consumers making purchases in his establishment a legible sign or placard reading substantially as follows:

Prices posted in this store are our OPA ceiling prices to consumers or less (exclusive of retail sales taxes).

(b) The provisions in this section shall not apply to an importer's sales of an unopened case of individual containers or to his prices therefor.

SEC. 1.10 *Other provisions of this regulation applicable to sales of imported distilled spirits or wine by an importer.* The following sections of Article VII of this regulation shall apply to sales of imported distilled spirits or wine by an importer:

- SEC. 7.1 *Treatment of fractional parts of a cent in figuring maximum prices.*
- SEC. 7.2 *When a sales tax may be charged in addition to a maximum price.*
- SEC. 7.3 *When new taxes, or increases in existing taxes may be added to a maximum price.*
- SEC. 7.4 *Use of minimum resale prices under state Fair Trade laws.*
- SEC. 7.5 *Adjustment of maximum prices for tax exempt sales to the United States or any agency thereof.*
- SEC. 7.6 *Certain provisions of the General Maximum Price Regulation continued in effect.*
- SEC. 7.7 *Export sales.*
- SEC. 7.8 *Compliance with this regulation.*
- SEC. 7.9 *Current records required.*

SEC. 7.10 *Petitions for amendment.*

SEC. 7.11 *Adjustable pricing in certain instances.*

SEC. 7.12 *Definitions.*

SEC. 7.13 *Geographical applicability.*

SEC. 1.11 *Dates on which this Article shall apply.* This Article shall apply to all sales or offers to sell of bulk or packaged imported distilled spirits and wine made by an importer on and after August 30, 1943: *Provided*, That this Article shall not apply to any sale which an importer is required by statute, ordinance or regulation to make at a price posted or listed prior to August 14, 1943, with a state or other Public Authority (if the price so posted or listed is greater or less than that established by this Article for such sale) until on and after the first effective date for prices so posted or listed at the first opportunity after August 19, 1943.

*Article II—Maximum Prices for Sales of Bulk Domestic Distilled Spirits of Wine by Any Person, and for Sales of Bulk Imported Distilled Spirits or Wine by Persons Other Than the Importer Thereof*

SEC. 2.1 *Other regulations applicable.* Until further provisions of Article II are issued and become effective, maximum prices for sales or offers to sell of bulk domestic distilled spirits or wine by any person are to be determined according to provisions of Maximum Price Regulation No. 193, the General Maximum Price Regulation or Revised Supplementary Regulation No. 14 issued by the Office of Price Administration, as may be applicable. Maximum prices for sales or offers to sell of bulk imported distilled spirits and wine by persons other than the importer thereof are to be determined according to provisions of the General Maximum Price Regulation or Revised Supplementary Regulation No. 14, as may be applicable.

*Article III—Maximum Prices for Sales of Packaged Domestic Distilled Spirits by Processors*

SEC. 3.1 *Other regulations applicable.* Until further provisions of Article III are issued and become effective, maximum prices for sales of packaged domestic distilled spirits by processors are to be determined according to applicable provisions of Maximum Price Regulation No. 193 or orders thereunder issued by the Office of Price Administration.

*Article IV—Maximum Prices for Sales of Packaged Domestic Wine by Processors*

SEC. 4.1 *Other regulations applicable.* Until further provisions of Article IV are issued and become effective, maximum prices for sales or offers to sell of packaged domestic wine by processors are to be determined according to provisions of the General Maximum Price Regulation or Revised Supplementary Regulation No. 14 issued by the Office of Price Administration, as may be applicable.

*Article V—Maximum Prices for Sales of Packaged Distilled Spirits and Packaged Wine by Wholesalers, Retailers, Monopoly States, and Primary Distributing Agents*

SEC. 5.1 *Purposes of Article V—(a) Generally.* Article V establishes maximum prices for sales of packaged (but not bulk) distilled spirits and wine by the following persons:

(1) Wholesalers, as defined in section 7.12; (2) Retailers, as defined in section 7.12; (3) Monopoly states, as defined in section 7.12 and (4) Primary distributing agents, as defined in section 7.12.

(b) *Sales to which this Article does not apply.* Article V does not apply to the following sales by those persons:

(1) Sales of items which the seller imports or has imported for his account. Either section 1.4, 1.5 or 1.7 of Article I (as may be applicable) must be used to establish maximum prices for such sales.

(2) Sales of items which the seller processes or has processed for his account. Maximum prices for such sales must be established under other applicable regulations or orders of the Office of Price Administration, or under Articles III or IV (as applicable and when effective) of this regulation.

(3) Sales by an "on-premise licensee" or other person of distilled spirits or wine by the drink or in packages for consumption on the licensed premises. However, this Article applies to sales of packaged distilled spirits or wine made to an "on-premise licensee" by a wholesaler, retailer, monopoly state or primary distributing agent.

(4) Sales of bulk distilled spirits, wine, brandy, neutral spirits, alcohol, grape spirits, high wines, or concentrates (whether or not by warehouse receipt or other evidence of title). Maximum prices for sales of those commodities in bulk must be established under other applicable regulations or orders of the Office of Price Administration or under Article II (when effective) of this regulation.

(c) *Prior regulations, orders and interpretations superseded.* Except as otherwise provided in this regulation, Article V supersedes all other maximum price regulations, orders and interpretations issued by the Office of Price Administration before August 14, 1943, with respect to sales of packaged imported and domestic distilled spirits or wine by any wholesaler, retailer, monopoly state or primary distributing agent, including the applicable provisions of the following:

(1) The General Maximum Price Regulation;

(2) Maximum Price Regulation No. 193, as amended;

(3) Orders Nos. 1 through 5 inclusive under Maximum Price Regulation No. 193;

<sup>4</sup> 7 F.R. 6006, 8940, 8947, 8948, 10068, 8 F.R. 1632, 2716, 7492, 8540.

(4) Article II of Revised Supplementary Regulation No. 14;

(5) Section 2.3 (b) of § 1499.26 of Revised Supplementary Regulation No. 1;

*Provided*, That such maximum price regulations, orders and interpretations shall remain in effect with respect to a particular sale of packaged distilled spirits or wine by any such person until provisions of this Article become applicable thereto.

SEC. 5.2 *General rules for figuring maximum prices*—(a) *When maximum prices are to be figured*. Each wholesaler, retailer, monopoly state and primary distributing agent must figure a maximum price for any item to be sold on and after August 14, 1943 as follows:

(1) *Items in stock at the close of business on August 9, 1943*. Initial maximum prices for each item in stock at the close of business on August 9, 1943 must be figured between August 14, 1943 and August 30, 1943 and will apply to all sales, offers to sell and deliveries of the item made on and after August 30, 1943, unless applicability of such prices to certain sales is delayed by provisions of section 5.10 permitting compliance with state price posting or listing requirements and practices. Until the initial maximum prices for such items become applicable, a wholesaler, retailer, monopoly state and primary distributing agent may continue to sell, offer for sale or deliver those items at maximum prices established under regulations and orders of the Office of Price Administration in effect prior to the issuance of this Article.

(2) *Items not in stock at the close of business on August 9, 1943*. Initial maximum prices for each item not in stock at the close of business on August 9, 1943 are to be figured and made applicable before any sale, offer to sell or delivery of the item is made. No wholesaler, retailer, monopoly state or primary distributing agent shall sell, offer for sale or deliver any item not in stock at the close of business on August 9, 1943 until after establishing initial maximum prices for the item in accordance with this Article.

(3) *Refiguring maximum prices*. A wholesaler, retailer, monopoly state or primary distributing agent must refigure a maximum price for an item in accordance with this Article if cost for the item changes after the maximum price has been established.

(b) *Figuring maximum prices for each item separately*. Each item of packaged distilled spirits or wine to be sold or offered for sale by a wholesaler, retailer, monopoly state or primary distributing agent after August 29, 1943 must have a separate maximum price. An "item" is a particular brand name, container size, type designation or formula of distilled spirits or wine. One item must not be considered the same as another if there is any difference in

- (1) Their brand names, or
- (2) Their countries of origin, or

No. 158—7

(3) The names of their processors, or  
(4) Their container sizes (quarts as compared with fifths, pints as compared with half-pints etc.), or

(5) Requirements of United States labeling laws or regulations applicable to each, or in material information contained on their labels. Age, proof, alcohol content, type designation, vintage and ingredients, as stated on the labels, shall be deemed material information.

(c) *Customer classifications*. (1) Each wholesaler, retailer and primary distributing agent must establish a separate maximum price for each item to each class of his customers he sells as follows:

(i) *For wholesalers*. Customers are to be classified as retailers, consumers, wholesalers or monopoly states.

(ii) *For retailers*. Customers are to be classified as consumers or retailers.

(iii) *For primary distributing agents*. Customers are to be classified as wholesalers, monopoly states, retailers or consumers.

(2) Industrial users, institutional users and the United States or any agency thereof shall, for sales by wholesalers and primary distributing agents, be classified as retailers. For sales by retailers, they shall be classified as consumers.

(3) Each monopoly state must establish a separate maximum price for its sales of each item according to the types of sale it makes. It must classify a sale to a particular customer in accordance with its March 1942 customary sales classification.

(d) *Discounts, allowances, price differentials and terms of sale*. (1) Customary discounts in effect during March 1942, in accordance with a wholesaler's, retailer's, or primary distributing agent's March 1942 customer classifications, must be applied to his maximum prices established under this Article: *Provided*, That discounts and allowances based solely on quantity purchases (in dollars or units) need not be maintained.

(2) If a wholesaler, retailer or primary distributing agent makes his terms of sale to a customer more onerous than those in effect during March 1942 for his sales to a customer of the same class, he must make a compensating reduction from his maximum price established under this Article.

(3) If a wholesaler or primary distributing agent directly or indirectly requires a customer to make any payment in advance of delivery (whether to the seller or to another person), he must reduce his maximum price established under this Article for that sale by an amount equal to interest at the rate of 5 percent per annum on the amount of the advance payment from the date the payment is made to the date on which the item is delivered or the advance payment refunded to the customer.

(e) *Wholesaler or retailer acting as a primary distributing agent with respect to certain items only*. A wholesaler or retailer who is a primary distributing agent for certain items shall determine

his maximum prices for sales of those items in accordance with provisions of this Article applicable to primary distributing agents. He shall determine his maximum prices for sales of other items under the provisions of this Article applicable to wholesalers or retailers, as may be the case.

(f) *F. o. b. and delivered prices*. (1) Maximum prices established under this Article for a wholesaler, retailer or primary distributing agent are prices f. o. b. the metropolitan area of warehouse or place of business.

(2) Maximum prices established under this Article for monopoly states are prices f. o. b. March 1942 freight base zone.

(3) If a wholesaler, retailer, or primary distributing agent sells an item f. o. b. a point of delivery outside the metropolitan area of his warehouse or place of business, he may add to his maximum price for the item established under this Article, the charges for transporting the item from that metropolitan area to the point of delivery at the rate he actually pays.

SEC. 5.3 *Determination of "net cost" used in figuring maximum prices for wholesalers, retailers and monopoly states*—(a) *What purchases may be used to determine net cost*. Except as otherwise provided in this Article, a "base purchase" to be used by a wholesaler, retailer, or monopoly state to determine net cost of an item must be a purchase by him from a customary type of supplier delivered by a customary means of transportation. No accommodation purchase (whether or not from a customary type of supplier) shall be used as a base purchase in determining net cost of an item. Purchases made on memorandum invoice or purchases of small quantities of an item at exceptional prices to fill a shortage are accommodation purchases. No purchase (whether or not from a customary type of supplier) to fill an order of the United States or any agency thereof shall be used as a base purchase.

NOTE: For a definition of "customary type of supplier" see section 7.12.

(b) *Elements of net cost*. The net cost to be used by a wholesaler, retailer or monopoly state to determine a maximum price is the total of the following elements of cost actually paid by him with respect to a particular base purchase of the item to be priced:

(1) *Purchase price*. The supplier's selling price (not in excess of his maximum price under applicable regulations or orders of the Office of Price Administration).

(i) Excepting any discount for prompt payment (cash discount); but

(ii) Including any amount subtracted from the supplier's maximum price to compensate for discontinuance of a discount for prompt payment.

(2) *Freight*. Transportation charges from the supplier's point of shipment to the wholesaler's, retailer's, or monopoly



state's customary receiving point for the item, at the rate paid. No amount shall be included for

(i) Any transportation charges from point of shipment included in the supplier's selling price; or

(ii) Expense of hauling, drayage or handling within the metropolitan area of the shipping or receiving point: *Provided*, That a monopoly state may include such portion of that expense as it customarily included during March 1942 in determining cost for purposes of mark-up.

(3) *Taxes and United States customs duties*—(i) *For wholesalers and retailers*. United States customs duties and United States state and local excise taxes at rates in effect on November 2, 1942, if not included in the supplier's selling price.

(ii) *For monopoly states*. United States customs duties and United States excise taxes at rates in effect on March 31, 1942, if not included in the supplier's selling price, and any state taxes at rates in effect on March 31, 1942, customarily included during March 1942 in determining cost for applying mark-up.

**NOTE:** License, income, franchise, receipts, sales, use or other similar Federal, state or local taxes cannot be included in the net cost of a wholesaler, retailer or monopoly state.

#### SEC. 5.4 *Maximum prices for wholesalers.*

**NOTE:** A wholesaler who is the processor or primary distributing agent of an item must not use this Section to determine maximum prices for that item unless permitted to do so by provisions of this regulation establishing maximum prices for processors or primary distributing agents.

(a) *Generally*. A wholesaler must establish his maximum prices to each class of customers as follows:

(1) For initial maximum prices—use paragraph (b).

(2) For a refigured maximum price if net cost for the item changed after August 29, 1943—use paragraph (c).

(b) *Initial maximum prices*—(1) *For sales to retailers*. A wholesaler's initial maximum price per case to retailers shall be his net cost per case (figured according to section 5.3) for his latest base purchase of the item, or if he made no base purchase of the item since March 1942, his net cost per case (figured according to section 5.3) for his most recent purchase of the item from any supplier, except from another wholesaler, multiplied by the percentage mark-up for the item being priced as follows:

- (i) 1.15 for distilled spirits.
- (ii) 1.25 for wine.
- (iii) 1.20 for cordials, liqueurs and specialties.

(2) *For sales to consumers*. A wholesaler's initial maximum price per case to a consumer shall be his net cost per case (figured according to section 5.3) for his latest base purchase of the item, or if he has made no base purchase of the item since March 1942, his net cost per case (figured according to section 5.3) for his most recent purchase of the item from

any supplier, multiplied by the percentage mark-up provided in section 5.5 for sales of the same item by retailers to consumers.

(3) *For sales to a monopoly state*. A wholesaler's initial maximum price per case to a monopoly state shall be his net cost per case (figured according to section 5.3) for his latest base purchase of the item, or if he has made no base purchase of the item since March 1942, his net cost per case (figured according to section 5.3) for his most recent purchase of the item from any supplier. No mark-up shall be added for such sales.

(4) *For sales to another wholesaler*. A wholesaler's initial maximum price per case to another wholesaler shall be his maximum price per case provided in (1) above for sales of the particular container size to retailers, subject to any discount, allowance or price differential agreed upon. When making such sale the seller shall, at or before delivery of the item, give the buyer a notice in writing stating the seller's maximum price per case for the item to retailers and to consumers. A statement on the invoice substantially as follows shall be deemed compliance with this requirement:

Our ceiling prices per case to retailers for the above items are:

Item:	Maximum Price
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Our ceiling prices per case to consumers for the above items are:

Item:	Maximum Price
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A wholesaler's maximum price per case to any class of customers for an item purchased by him from another wholesaler shall not exceed the higher of

(i) His own maximum price for the item to a customer of the particular class figured according to the applicable provisions of this section, or

(ii) With respect to sales to retailers or consumers, the supplier's maximum price for a sale of the item to a customer of the particular class as stated in such notice.

**NOTE:** A base purchase made between August 9, 1943 and August 30, 1943 may be used to figure initial maximum prices. A wholesaler is not required to establish a refigured maximum price for an item until he makes a base purchase thereof after August 29, 1943.

(5) *For individual containers*. A wholesaler's initial maximum price for individual containers of an item to any class of customers shall be an amount determined by dividing his initial maximum price per case to a customer of the same class by the number of individual containers customarily packed in the case by his supplier; *Provided*, That, if a retailer has elected to purchase individual containers after a wholesaler has expressly given him the alternative of purchasing a case of the item at the wholesaler's maximum price per case for the particular container size, the wholesaler may add to his maximum price for individual containers to be sold to that re-

tailer one of the following amounts according to the particular container size:

- 4 cents per container, if the container size is a gallon, half gallon, quart or fifth;
- 2 cents per container, if the container size is a pint or tenth;
- 1 cent per container, if the container size is a half-pint.

(c) *Changes in maximum prices*—(1) *How long particular maximum prices continue in effect*. A wholesaler's initial maximum prices and refigured maximum prices for an item shall apply to all his sales and offers to sell of the item so priced made prior to the date on which subsequently refigured maximum prices for sales thereof became applicable in accordance with (4) of this paragraph.

(2) *When a wholesaler must refigure his maximum prices*. A wholesaler who after August 29, 1943 receives a base purchase of an item shall figure his net cost therefor according to Section 5.3. If such net cost per case differs from the net cost per case for the base purchase used in establishing the wholesaler's maximum prices then in effect for the item, the wholesaler may, if the most recent purchase shows the greater total and he must, if the most recent purchase shows the lesser total, establish refigured maximum prices for the item; *Provided*, That if the difference in net cost is 15 cents per case or less, the wholesaler shall not establish refigured maximum prices.

(3) *How a wholesaler must refigure his maximum prices*. A wholesaler required or permitted by this paragraph to establish refigured maximum prices for an item shall determine such prices under paragraph (b) of this section, substituting however, the net cost for his most recent base purchase for the net cost of his earlier base purchase.

(4) *When refigured maximum prices become applicable*. His refigured maximum prices determined under this paragraph shall apply to stock on hand and shall be the wholesaler's maximum prices for sales of the item on and after, but not before, the 4th day (exclusive of Sundays and holidays) following receipt of the base purchase to be used to establish such refigured maximum prices, until in turn superseded by other refigured maximum prices subsequently determined; *Provided*, That until on and after the earliest effective date for prices posted or listed at the first opportunity after the 4th day (exclusive of Sundays and holidays) after receipt of such base purchase, refigured maximum prices shall not apply to any sale which a wholesaler is required by statute, ordinance or regulation to make at a price posted or listed with a state or other public authority before receipt of the base purchase.

#### SEC. 5.5 *Maximum prices for retailers.*

**NOTE:** A retailer who is the processor or primary distributing agent of an item must not use this Section to determine maximum prices for that item unless permitted to do so by provisions of this regulation establishing maximum prices for processors or primary distributing agents.

(a) *Generally.* A retailer must establish his maximum prices to each class of customers as follows:

(1) For initial maximum prices—use paragraph (b).

(2) For a refigured maximum price if net cost for the item changes after August 29, 1943—use paragraph (c).

(b) *Initial maximum prices.*—(1) *For sales to consumers.* A retailer's initial maximum price per case to consumers shall be his net cost per case (figured according to section 5.3) for his latest base purchase of the item, or if he made no base purchase of the item since March 1942, his net cost per case (figured according to section 5.3) for his most recent purchase of the item from any supplier, multiplied by the percentage mark-up for the item being priced as follows:

(i) 1.333 for distilled spirits.

(ii) 1.50 for wine.

(iii) 1.45 for cordials, liqueurs and specialties.

(2) *For sales to another retailer.* A retailer's initial maximum price per case to another retailer shall be his net cost per case (figured according to section 5.3) for his latest base purchase of the item, or if he made no base purchase of the item since March 1942, his net cost per case (figured according to section 5.3) for his most recent purchase of the item from any supplier. No mark-up shall be added for such sales.

(3) *For individual containers.* A retailer's maximum price to consumers or to another retailer for individual containers of an item shall be an amount determined by dividing his initial maximum price per case to consumers or to another retailer respectively by the number of individual containers customarily packed in the case by his supplier.

NOTE: A base purchase made between August 9, 1943, and August 30, 1943, may be used to figure initial maximum prices. A retailer is not required to establish a refigured maximum price for an item until he makes a base purchase thereof after August 29, 1943.

(c) *Changes in maximum prices.*—(1) *How long particular maximum prices continue in effect.* A retailer's initial maximum prices and refigured maximum prices for an item shall apply to all his sales and offers to sell of the item so priced made prior to the date on which subsequently refigured maximum prices for sales thereof become applicable in accordance with (4) of this paragraph.

(2) *When a retailer must refigure his maximum prices.* A retailer who after August 29, 1943, receives a base purchase of an item shall figure his net cost therefor according to section 5.3. If such net cost per case differs from the net cost per case for the base purchase used in establishing the retailer's maximum prices then in effect for the item, the retailer may, if the most recent purchase shows the greater total and he must, if the most recent purchase shows the lesser total, establish refigured maximum prices for the item: *Provided*, That if the difference in net cost is 15 cents per case or

less, the retailer shall not establish refigured maximum prices.

(3) *How a retailer must refigure his maximum prices.* A retailer required or permitted by this paragraph to establish refigured maximum prices for an item shall determine such prices under paragraph (b) of this section, substituting however, the net cost for his most recent base purchase for the net cost of his earlier base purchase.

(4) *When refigured maximum prices become applicable.* His refigured maximum prices determined under this paragraph shall apply to stock on hand and shall be the retailer's maximum prices for sales of the item on and after, but not before, the 4th day (exclusive of Sundays and holidays) following receipt of the base purchase to be used to establish such refigured maximum prices, until in turn superseded by other refigured maximum prices subsequently determined: *Provided*, That until on and after the earliest effective date for prices posted or listed at the first opportunity after the 4th day (exclusive of Sundays and holidays) after receipt of such base purchase, refigured maximum prices shall not apply to any sale which a retailer is required by statute, ordinance or regulation to make at a price posted or listed with a state or other public authority before receipt of the base purchase.

SEC. 5.6 *Maximum prices for monopoly states.*—(a) *Generally.* A monopoly state must establish its maximum prices as follows:

(1) For initial maximum prices—use paragraph (b).

(2) For a refigured maximum price if net cost for the item changes after August 29, 1943—use paragraph (c).

(b) *Initial maximum prices.* To figure its initial maximum price per case for an item a monopoly state shall:

(1) Multiply its net cost per case (figured according to section 5.3) for its most recent base purchase of the item (or if it made no base purchase of the item since March 1942, the net cost for its most recent purchase of the item from any supplier) by the highest percentage in use for the item during March, 1942, according to the statute, ordinance or regulation then prescribing its mark-up;

(2) Add to the figure at (1): (i) The applicable increase effective November 1, 1942 in United States excise taxes.

(ii) Any applicable state taxes in effect on November 2, 1942, customarily included in its price during March, 1942, to the extent that the amount thereof is not included in net cost;

(3) The resulting amount shall be the monopoly state's maximum price for sales of the item per case to the class of customers to which, during March 1942, the percentage used under (1) above applied.

(4) Where the monopoly state during March 1942, used its price to the class of customers figured on the percentage applied under (1) above as a base price, and determined its price to other classes of

customers by applying a discount to, reducing or increasing that base price by an established method, its maximum prices for sales to those other classes of customers shall be determined by reducing or increasing the resulting amount under (3) in accordance with the same method.

(5) A monopoly state's initial maximum price for individual containers to any class of customers shall be its maximum price per case to a customer of the same class transformed into a price for individual containers in accordance with the method customarily used by the monopoly state during March 1942, to determine its price for individual containers.

(6) A monopoly state's initial maximum prices shall be its maximum prices for all its sales of an item made on and after, but not before, the effective date of its complete or supplementary price list first promulgated after August 29, 1943.

(c) *Changes in maximum prices.*—(1) *How long particular maximum prices remain in effect.* A monopoly state's initial maximum prices and refigured maximum prices for an item shall apply to all its sales and offers to sell of the item so priced made prior to the date on which subsequently refigured maximum prices for sales thereof become applicable in accordance with (4) of this paragraph.

(2) *When a monopoly state must refigure its maximum prices.* A monopoly state which after August 29, 1943, receives a base purchase of an item shall, or upon acceptance of an official offer of an item, it may determine its net cost therefor according to section 5.3. If such net cost per case differs from the net cost per case of the base purchase used in establishing its maximum prices then in effect for the item, the monopoly state may, if the most recent purchase shows the greater total, and it must, if the most recent offer or purchase shows the lesser total, establish refigured maximum prices for the item; *Provided*, That if the difference in net cost is 15 cents per case or less, the monopoly state shall not establish refigured maximum prices.

(3) *How a monopoly state must refigure its maximum prices.* A monopoly state required or permitted by this paragraph to establish refigured maximum prices for an item shall determine such prices under paragraph (b) of this Section, substituting, however, its net cost for the most recent offer or base purchase for the net cost of its earlier base purchase.

(4) *When refigured maximum prices become applicable.* Its refigured maximum prices determined under this paragraph shall be the monopoly state's maximum prices for sales of the item made on and after, but not before, the effective date of its complete or supplementary price list first promulgated after the 7th day (excluding Sunday and holidays) following receipt of the official offer or the invoice for the particular base purchase to be used.

(d) *Disposition of fractional parts of a cent and rounding prices to an even*

5 cents. (1) In determining its initial or refigured maximum prices under this section a monopoly state shall follow its customary March 1942 practice with reference to disposition of fractional parts of a cent and shall reduce or may increase its maximum price in accordance therewith.

(2) If during March 1942, a monopoly state customarily followed the practice of rounding its prices to a sum divisible by 5, it may continue to follow that practice by reducing or increasing its maximum prices for any item in accordance with its customary March 1942 practice.

**Sec. 5.7 Maximum prices for primary distributing agents.**

**NOTE:** This section applies only to sales of an item for which the seller acts as a primary distributing agent.

(a) *Generally.* A primary distributing agent must establish maximum prices to each class of customers as follows:

(1) For initial maximum prices—use paragraph (b)

(2) For a refigured maximum price if elements of cost for the item change after August 29, 1943—use paragraph (c).

(b) *Initial maximum prices.* A primary distributing agent's initial maximum price per case for an item shall be as follows:

(1) *Sales to wholesalers and monopoly states.* The total of the following:

(i) *Supplier's charge.* A supplier's charge according to the item being priced as follows:

(a) *Packaged imported distilled spirits and packaged imported wine.* The importer's maximum price per case for a sale of the item to a wholesaler or monopoly state respectively as established under Article I of this Regulation.

(b) *Packaged domestic distilled spirits and packaged domestic wine.* The processor's maximum price per case for a sale of the item to a wholesaler or monopoly state (as may be the case) as established under other applicable regulations or orders of the Office of Price Administration or under Article III or IV (as applicable and when effective) of this Regulation.

(ii) *Freight.* Transportation charges per case from the supplier's point of shipment to the primary distributing agent's customary receiving point for the item at the rate the primary distributing agent paid. No amount shall be included for

(a) Transportation charges on items sold f. o. b. supplier's shipping point and shipped directly to the customer at the customer's expense; or

(b) Any transportation charges from point of shipment included in the supplier's charge; or

(c) Expense of hauling, drayage or handling within the metropolitan area of the shipping or receiving point.

(iii) *Taxes and United States customs duties.* The applicable amount per case of United States customs duties and United States, state or local excise taxes,

all at rates in effect on November 2, 1942, if not included in the supplier's charge.

**NOTE:** License, income, franchise, receipts, sales, use or other similar Federal, state or local taxes cannot be included.

(2) *For sales to retailers.* A primary distributing agent's initial maximum price per case to retailers shall be his initial maximum price per case for sales to wholesalers and monopoly states, established under (1) above, multiplied by the percentage mark-up provided under section 5.4 for a sale of the item by wholesalers to retailers. His initial maximum price to retailers for individual containers shall be an amount figured on the basis of his initial maximum price per case in the manner and subject to the limitations provided under section 5.4 for determining a wholesaler's initial maximum price to retailers for individual containers.

(3) *For sales to consumers.* A primary distributing agent's initial maximum price per case to consumers shall be his initial maximum price per case for sales to wholesalers and monopoly states, established under (1) above, multiplied by the percentage mark-up provided under section 5.5 for a sale of the item by retailers to consumers. His initial maximum price to consumers for individual containers shall be an amount figured on the basis of his initial maximum price per case in the manner provided under section 5.5 for determining a retailer's initial maximum price to consumers for individual containers.

(c) *Changes in maximum prices—(1) How long particular maximum prices continue in effect.* A primary distributing agent's initial maximum price and refigured maximum price for an item shall apply to all his sales, offers to sell of the item so priced made prior to the date on which subsequently refigured maximum prices for sales thereof become applicable in accordance with (4) of this paragraph.

(2) *When a primary distributing agent must refigure his maximum prices.* A primary distributing agent who after August 29, 1943 receives a purchase of an item for which his initial maximum prices are established under this section shall figure the elements of his cost therefor included in his initial maximum price established under (b) above. If such elements of cost per case differ from the elements of cost per case used in establishing the primary distributing agent's maximum prices then in effect for the item, the primary distributing agent may, if the most recent purchase shows the greater total and he must, if the most recent purchase shows the lesser total, establish refigured maximum prices for the item; *Provided*, That if the difference in the total of those elements of cost is 15 cents per case or less the primary distributing agent shall not establish refigured maximum prices.

(3) *How a primary distributing agent must refigure his maximum prices.* A primary distributing agent required or permitted by this paragraph to establish refigured maximum prices for an item

shall determine such prices under paragraph (b) of this section, substituting however, the elements of cost for his most recent purchase for the elements of cost of his earlier purchase.

(4) *When refigured maximum prices become applicable.* His refigured maximum prices determined under this paragraph shall apply to his stock on hand and shall be the primary distributing agent's maximum prices for sales of the item on and after, but not before, the 4th day (exclusive of Sundays and holidays) following receipt of the purchase to be used to establish such refigured maximum prices, until in turn superseded by other refigured maximum prices subsequently determined: *Provided*, That until on and after the earliest effective date for prices posted or listed at the first opportunity after the 4th day (exclusive of Sundays and holidays) after receipt of such purchase, refigured maximum prices shall not apply to any sale which a primary distributing agent is required by statute, ordinance or regulation to make at a price posted or listed with a state or other public authority before receipt of the purchase.

**Sec. 5.8 Notice of maximum prices to consumers.** (a) Each wholesaler, retailer or primary distributing agent who sells or offers packaged distilled spirits or wine for sale to consumers shall adopt before August 30, 1943, and thereafter continue to observe one of the following practices with respect to notifying consumers that prices charged are not in excess of maximum prices established under this Article:

(1) *Use of marking on individual containers.* Before delivering an item to a customer, the wholesaler, retailer or primary distributing agent may mark on the container in plainly visible letters and figures his selling price for the particular brand and container size (exclusive of retail sales taxes), and a statement that the price so marked is his maximum price under this Article or less, and his name and address. The following:

OPA price \$-----  
(Insert amount)  
-----  
(name of seller)  
-----  
(address of seller)

so written or stamped on a label or on a state or local tax stamp affixed to the container shall be compliance with this requirement.

A wholesaler, retailer or primary distributing agent who is the holder of a license or permit bearing a distinguishing number and issued under an applicable statute or ordinance, authorizing him to make sales of packaged distilled spirits or wine to consumers may substitute such license or permit number for the statement of his name and address required hereunder.

(2) *Use of a sales slip or receipt.* At or before delivering any individual container of packaged distilled spirits or wine to a consumer, a wholesaler, retailer or primary distributing agent may

hand the purchaser a sales slip or receipt setting forth in plainly visible letters and figures:

(i) The brand name, container size and number of individual containers of each item sold to the purchaser, and

(ii) The selling price of each such individual container, or the total selling price for all such containers (exclusive of retail sales taxes), and

(iii) The name and address of the seller and date of sale.

A seller complying with this requirement shall post and maintain in a place readily visible to consumers making purchases in his establishment a legible sign or placard reading substantially as follows:

Prices charged in this store are our OPA ceiling prices to consumers or less (exclusive of retail sales taxes).

(3) *Use of price posting.* A wholesaler, retailer or primary distributing agent may post his maximum price for each item sold or offered for sale to consumers according to one of the following methods:

(i) By displaying a list of the names of each brand of packaged distilled spirits or wine offered for sale to consumers, his maximum price therefore and a statement that such maximum price is his OPA ceiling price to consumers or less (exclusive of retail sales taxes). When more than one type, formula or container size of a particular brand is offered for sale each such type, formula or container size and the maximum price thereof shall be separately itemized. Such list may also contain the particular wholesaler's, retailer's or primary distributing agent's selling price for each item described therein. The list shall be posted and maintained in a place readily visible to consumers making purchases in the seller's establishment, shall be in letters and figures plainly visible and legible to such consumers and shall be maintained complete and correct. A seller complying with this requirement shall not sell or offer any item for sale to a consumer until the item and his maximum price therefor is so listed.

(ii) Except when prohibited by statute or ordinance, a wholesaler, retailer or primary distributing agent may mark his selling and/or maximum price for each item on the shelf, bin, rack or other holder thereof in letters plainly visible and legible to consumers making purchases in his establishment. A seller complying with this requirement shall so maintain complete and correct markings of his selling and/or maximum prices for all items he offers for sale to consumers and shall not sell or offer any item for sale to a consumer until his selling price therefor is thus marked.

(iii) A seller posting or marking prices in accordance with (i) or (ii) above shall post and maintain in a place readily visible to consumers making purchases in his establishment a legible sign or placard reading substantially as follows:

Prices posted in this store are our OPA ceiling prices to consumers or less (exclusive of retail sales taxes).

*Provided*, That no additional sign or placard shall be required if the seller posts and maintains a substantially identical sign or placard in accordance with other regulations of the Office of Price Administration.

(b) The provisions in this Section shall not apply to sales of an unopened case of individual packages or to prices therefor, or to sales by monopoly states.

SEC. 5.9 *Other provisions of this regulation applicable to sales of distilled spirits or wine by a wholesaler, retailer, monopoly, state, or primary distributing agent:*

SEC. 7.1 *Treatment of fractional parts of a cent in figuring maximum prices.*

SEC. 7.2 *When a sales tax may be charged in addition to a maximum price.*

SEC. 7.3 *When new taxes, or increases in existing taxes may be added to a maximum price.*

SEC. 7.4 *Use of minimum resale prices under State Fair Trade Laws.*

SEC. 7.5 *Adjustment of maximum prices for tax exempt sales to the United States or any agency thereof.*

SEC. 7.6 *Certain provisions of the General Maximum Price Regulation continued in effect.*

SEC. 7.7 *Export sales.*

SEC. 7.8 *Compliance with this Regulation.*

SEC. 7.9 *Current records required.*

SEC. 7.10 *Petitions for amendment.*

SEC. 7.11 *Adjustable pricing in certain instances.*

SEC. 7.12 *Definitions.*

SEC. 7.13 *Geographical applicability.*

SEC. 5.10 *Dates on which this Article shall apply.* This Article, except as otherwise provided, shall apply to all sales or offers to sell of packaged imported or domestic distilled spirits or wine made by a wholesaler, retailer, monopoly state, or primary distributing agent on and after August 31, 1943; *Provided*, That this Article shall not apply to any sale which a wholesaler, retailer or primary distributing agent is required by statute, ordinance, or regulation to make at a price posted or listed prior to August 14, 1943, with a state or other public authority (if the price so posted or listed is greater or less than that established by this Article for such sale) until on and after the first effective date for prices so posted and listed at the first opportunity after August 19, 1943.

#### *Article VI—Maximum Prices for Certain Services Relating to the Production of Domestic Distilled Spirits and Wine*

SEC. 6.1 *Other regulations applicable.* Until further provisions of Article VI are issued and become effective, maximum prices for services relating to production of domestic distilled spirits and wine are to be determined according to applicable provisions of the General Maximum Price Regulation or Maximum Price Regulation No. 165, as amended.

#### *Article VII—General Provisions Applicable to Persons Subject to This Regulation and to Maximum Prices Established Hereunder*

SEC. 7.1 *Treatment of fractional parts of a cent in figuring maximum prices.* Fractional parts of a cent, except as otherwise provided in this Regulation, shall be treated as follows in figuring maximum prices:

(a) Amounts computed in the process of, or as a step in figuring a maximum price (other than the maximum price itself) need not be carried to more than four decimal places (hundredths of a cent). Any further fraction shall be disregarded.

(b) When the charging of the exact maximum price established under this Regulation requires the use of a fractional part of a cent, that maximum price may be increased to the next higher full cent, if the fraction is  $\frac{1}{2}$  cent or more, and shall be reduced to the next lower full cent, if the fraction is less than  $\frac{1}{2}$  cent.

SEC. 7.2 *When a sales tax may be charged in addition to a maximum price.* (a) Any seller (other than a monopoly state) may charge and collect, in addition to his maximum price for an item or a service established under this Regulation, the amount of any tax upon the sale of the item or the supplying of the service, now or hereafter imposed by any statute of the United States, or any statute or ordinance of any state or subdivision thereof, if:

(1) The statute or ordinance imposing such tax does not prohibit the seller from separately stating and collecting the amount thereof, and he does separately state and collect it; or

(2) The amount of the tax has been separately stated and collected from the seller by a prior vendor, and

(i) The statute or ordinance imposing such tax does not prohibit the seller from separately stating and collecting the amount thereof, and

(ii) He does separately state and collect it.

(b) Any monopoly state may charge and collect, in addition to its maximum price for an item or service established under this Regulation, the amount of any tax upon the sale of the item now or hereafter imposed by any statute of the United States or of that state.

SEC. 7.3 *When new taxes or increases in existing taxes may be added to a maximum price.* Any seller (including a monopoly state) may charge and collect, in addition to his maximum price for an item or a service established under this Regulation:

(a) *New taxes.* The applicable amount of United States customs duties and United States or state excise taxes first imposed thereon by statute effective after November 2, 1942.

(b) *Increase in tax in effect on November 2, 1942.* The applicable amount of any increase effective after November 2, 1942 in United States customs duties or United States or state excise taxes then imposed thereon.

*Provided*, That the amount of any such new tax, or increase in tax is paid by the seller to the taxing authorities or to a prior vendor, and *Provided further*, That no seller shall include a mark-up on the amount of any tax he is authorized to charge and collect under this section.

SEC. 7.4 *Use of minimum resale prices under State Fair Trade laws.* A minimum price for resale of an item by another person may be established by contract or otherwise and such minimum price may be posted or listed with a

state or other public authority. However, no such minimum price shall exceed the lowest maximum price for resale of the item established under this Regulation by or for any person to whom the minimum price applies.

SEC. 7.5 *Adjustment of maximum prices for tax exempt sales to the United States or any agency thereof.* Any maximum price for an item established under this regulation shall, if the item is being sold to the United States or any agency thereof, be adjusted to the extent of the reduction, elimination or possible refund of any United States, state or local taxes included in figuring that maximum price.

SEC. 7.6 *Certain provisions of the General Maximum Price Regulation continued in effect.* (a) The following sections of the General Maximum Price Regulation and amendments to those sections shall apply to all sellers subject to this regulation:

§ 1499.5 *Transfers of business or stock in trade.*

§ 1499.11 *Base period records.*

§ 1499.14 *Sales slips and receipts.*

(b) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation shall be, and they are applicable to all wholesalers, retailers and primary distributing agents subject to this regulation.

SEC. 7.7 *Export sales.* (a) The maximum price at which a seller may export any commodity to which this regulation applies shall be determined in accordance with the Second Revised Maximum Export Regulation<sup>6</sup> and amendments thereto, or under other applicable regulations issued by the Office of Price Administration.

(b) In determining the maximum price at which a wholesaler or retailer may export a commodity to which this regulation applies, the "price at which the commodity was acquired" shall be deemed to be his net cost therefor figured according to section 5.3.

SEC. 7.8 *Compliance with this regulation—(a) No buying or selling above maximum prices.* On and after the effective date of this regulation, regardless of any contract, agreement or other obligation, no person to whom this regulation applies shall sell or supply, and no person in the course of trade or business shall buy or receive, any distilled spirits, wine or service at prices higher than the maximum price applicable to such sale under this regulation, and no person shall agree, offer, solicit or attempt to do any of the foregoing. However, prices lower than the maximum price may be charged or paid.

(b) *Evasion.* The maximum prices established under this regulation shall not be evaded by direct or indirect methods, whether by finder's fee, brokerage, commission, service, transportation or other charge or discount, premium or other privilege; by tying agreement or trade understanding; by any change in style or manner of packing; or in any other way.

(c) *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942, and to proceedings for the suspension of licenses.

SEC. 7.9 *Current records required.* Every person selling or supplying any distilled spirits, wine or service for which, upon sale by that person, maximum prices are established under this Regulation shall keep, and make available for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect:

(a) Records of the same kind that he has customarily kept relating to the prices which he charged for such of those commodities or services as he sold or offered for sale after the date on which maximum prices under this Regulation for such sale became applicable.

(b) All bills, invoices, receipts and records used to determine any net cost used for the purpose of applying a markup under this regulation.

(c) His computations showing as precisely as possible the method and figures used to determine his maximum prices for distilled spirits or wine.

SEC. 7.10 *Petitions for amendment.* Any person seeking an amendment to this regulation of general applicability may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,<sup>7</sup> issued by the Office of Price Administration.

SEC. 7.11 *Adjustable pricing in certain instances.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending on petition for amendment, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom authority to grant such authorization has been delegated. Such authorization shall be given by order.

SEC. 7.12 *Definitions.*

NOTE: References in definitions to Regulations No. 4 or to Regulations No. 5 are respectively references to Regulations No. 4 (as now or hereafter amended) relating to the Labeling and Advertising of Wine, and to Regulations No. 5 (as now or hereafter amended) relating to the Labeling and Advertising of Distilled Spirits, issued under the provisions of the Federal Alcohol Administration Act, as amended.

(a) *Definitions of commodities and terms descriptive thereof.* (1) "Distilled Spirits" means: (i) The commodities in-

cluded in Classes 2 to 7 inclusive of Article II of Regulations No. 5 (whiskey, brandies, rum, cordials and liqueurs and imitations); and

(ii) Prepared cocktails, prepared highballs and other prepared alcoholic beverage items, vodka and bitters; and

(iii) Commodities containing more than 24 percent alcohol by volume but otherwise within the definition of wine: "Distilled Spirits," when used without specific reference to that commodity in packages or in bulk, means both packaged and bulk distilled spirits, and when used without specific reference to that commodity as imported or domestic, means both imported and domestic distilled spirits.

(2) "Imported distilled spirits" means distilled spirits produced outside of and introduced into continental United States.

(3) "Domestic distilled spirits" means distilled spirits produced within continental United States.

(4) Wine means: (1) The commodity defined as such in sections 610 and 617 of the Revenue Act of 1918 as amended; and

(ii) Other commodities not so defined, but made in the manner of wine. "Wine" includes (but is not limited to) sparkling and carbonated wine, wine made from condensed grape must, wine made from the juice of sound, ripe grapes, from berries, fruits or other agricultural products, imitation wine, compounds sold as wine, vermouth, cider, perry and sake, in each instance only if containing not less than 7 percent and not more than 24 percent alcohol by volume. "Wine" when used without specific reference to that commodity in packages or in bulk, means both packaged and bulk wine, and when used without specific reference to that commodity as imported or domestic, means both imported and domestic wine.

(5) "Imported wine" means wine produced outside of and introduced into continental United States.

(6) "Domestic wine" means wine produced within continental United States.

(7) "Cuban gin" means a commodity included in Class 3 of Article II of Regulations No. 5 and produced in the Republic of Cuba.

(8) "Mexican gin" means a commodity included in Class 3 of Article II of Regulations No. 5 and produced in the Republic of Mexico.

(9) "Cordials and liqueurs" means the commodities included in Class 6 of Article II of Regulations No. 5.

(10) "Specialties" means all beverage distilled spirits except those in Classes 2 to 7 inclusive of Article II of Regulations No. 5.

(11) "Bulk" or "in bulk," when used with reference to distilled spirits means that commodity in containers having a capacity in excess of one wine gallon. "Bulk" or "in bulk" when used with reference to wine, means that commodity in containers having a capacity in excess of 5 wine gallons.

(12) "Packaged" or "in packages" when used with reference to distilled spirits means that commodity in containers having a capacity of one wine gallon or less. "Packaged" or "in pack-

<sup>6</sup> 8 F.R. 4132, 5987, 7662.

<sup>7</sup> 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.



ages" when used with reference to wines, means that commodity in containers having a capacity of 5 wine gallons or less.

(13) "Bottled domestically" means bottled within continental United States.

(b) *Definitions of persons to whom this Regulation refers.* (1) "Importer" means any person who is the first consignee within continental United States of a commodity being imported for resale, holding an importer's permit issued under the provisions of the Federal Alcohol Administration Act.

(2) "Processor" means any person who:

(i) Produces or blends distilled spirits or wine, including (but not limited to) a distiller, rectifier or vintner; or who

(ii) Bottles under any brand name distilled spirits or wine belonging to him, or who

(iii) Causes distilled spirits or wine to be bottled or blended for his account under his own brand name.

(3) "Wholesaler" means any person (except a monopoly state or primary distributing agent) engaged in the business of buying and selling distilled spirits and/or wine without changing the form thereof, to persons other than consumers.

(4) "Open-state wholesaler" means a wholesaler doing business in a state other than a monopoly state.

(5) "Primary distributing agent" means any person (except a monopoly state) engaged in the business of acting as agent for an importer or processor in the sale of an item to wholesalers or monopoly states within a specified territory.

(6) "Retailer" means any person (except wholesaler, monopoly state or a primary distributing agent) engaged in the business of buying and selling distilled spirits and/or wine, without changing the form thereof, to consumers.

(7) "On-premise licensee" means a retailer licensed by statute, ordinance or regulation or otherwise authorized to engage in the business of selling distilled spirits and/or wine for consumption on licensed premises.

(8) "Monopoly state" means any one of the following states of the United States, or the appropriate Alcoholic Beverage Board, Department or Commission thereof:

Alabama	Oregon
Idaho	Pennsylvania
Iowa	Utah
Maine	Vermont
Michigan	Virginia
Montana	Washington
New Hampshire	West Virginia
North Carolina	Wyoming
Ohio	

(9) "Consumer" means any person (except an industrial or institutional user or the United States or any agency thereof) purchasing distilled spirits and/or wine for consumption and not for resale.

(10) "Industrial user" means any person who

(i) Subjects distilled spirits or wine to a process resulting in the production of a different commodity having a distinctive name, character and use; or

(ii) Who uses distilled spirits or wine as an ingredient or component part of such different commodity; or

(iii) Who uses distilled spirits or wine to place another commodity in a condition for sale or delivery.

(11) "Institutional user" means any hospital, home or other similar institution which uses distilled spirits or wine in connection with its care of the sick, aged or infirm.

(12) "Customary type of supplier" means a person determined as follows:

(i) *For wholesalers.* A wholesaler's customary type of supplier for an item shall be:

(a) The importer, processor, or a primary distributing agent thereof;

(b) A monopoly state, if the wholesaler is required by statute to make any of his purchases of the item from such monopoly state.

(ii) *For retailers.* A retailer's customary type of supplier for an item shall be:

(a) A wholesaler, or the importer, processor or a primary distributing agent thereof;

(b) A monopoly state, if the retailer is required by statute to make any purchases of the item from such monopoly state.

(iii) *For monopoly states.* A monopoly state's customary type of supplier for an item shall be:

(a) The importer, processor or a primary distributing agent thereof;

(b) A wholesaler if, but only if, the item is not customarily sold or offered for sale to the monopoly state by the importer, processor or a primary distributing agent thereof, and all purchases of the item made by the monopoly state during the 12 months immediately preceding the date on which its maximum price is being determined have been made from a wholesaler.

(iv) *For primary distributing agents.* A primary distributing agent's customary type of supplier for an item shall be the importer or processor thereof.

(c) *Definitions of terms used in identification of items.* (1) "United States labeling laws and regulations" means Regulations Nos. 4 or 5 as applicable.

(2) "Label" means label or labels required by United States labeling laws and regulations.

(3) "Container size" means the particular weight or unit in which distilled spirits or wine is sold to a consumer in accordance with regulations of the Federal Alcohol Administration.

(4) "Formula" means:

(i) *For whiskey.* The following matters applicable thereto: proof, age by percentages, whiskey and neutral spirits content by percentages respectively, and type designation in accordance with standards of identity for classes thereof listed in Regulations No. 5.

(ii) *For gin, brandy, rum, cordials and liqueurs, imitations and specialties.* The following matters applicable thereto: proof and type designation in accordance with standards of identity for classes thereof listed in Regulations No. 5. Further, with respect to brandy and rum, a statement of the age thereof when stated on the label, and with respect to cordials, liqueurs and specialties, a statement of

the ingredients thereof as submitted to the Bureau of Internal Revenue.

(5) "Type designation" means the type and subtype of wine and distilled spirits as described in classifications thereof in Article II of Regulations Nos. 4 or 5 respectively.

(6) "Age" means the age stated on the label of distilled spirits or wine.

(7) "Vintage" means the year or season in which grapes used in the production of wine were grown.

(8) "Proof" means the proof stated on the label of distilled spirits. Distilled spirits of 100° proof are distilled spirits containing 50% alcohol by volume at a temperature of 60° Fahrenheit.

(9) "Alcohol content" means the percent of alcohol by volume stated on the label of wine, or on the label of distilled spirits not containing a statement of proof.

(10) "Ingredients" means the flavoring and aromatic materials used in the production of gin, vermouth, cordials, liqueurs, flavored brandies, specialties and other alcoholic beverages made by the addition of commodities not inherent in distillation or fermentation thereof, according to the statement thereof submitted to the Bureau of Internal Revenue.

(d) *Definitions of terms used in connection with transportation.* (1) "Port of embarkation" means the place outside continental United States from which distilled spirits or wine to be imported are shipped by water to the United States.

(2) "Port of arrival" or "point of arrival" means the place in continental United States where imported distilled spirits or imported wine first come into custody of United States customs.

(3) "Port of entry" means the place where imported distilled spirits or imported wine are located when released by United States customs officials after payment of customs duties and excise taxes.

(4) "Inland freight", "transportation charges" or "charges for transporting" mean lawful freight charges for movement by common or contract carrier. Such charges shall include any applicable Federal tax on transportation of commodities now or hereafter imposed, and unless otherwise provided, shall be figured at the lowest available rate. Where the seller uses his own vehicle, such charges shall be figured at the lowest rate for transportation over the same distance by common or contract carrier, exclusive of Federal tax.

(5) "Metropolitan area" of a particular place means the territory within the same municipality and the territory adjacent thereto within the same marketing area.

(e) *Definitions of miscellaneous terms.* (1) "Sales in bond" means a sale of distilled spirits or wine located in a United States bonded warehouse, made prior to payment of United States customs duties and excise taxes applicable thereto.

(2) "Sales tax paid" means a sale of distilled spirits or wine for which applicable United States customs duties and excise taxes have been paid.

(3) "Official offer" means an offer by an importer, processor, primary distributing agent or wholesaler to supply an item to a monopoly state, by the terms of which deliveries are to commence within 60 days from date of acceptance.

(4) "Stock on hand" with reference to an item, means the amount thereof to which the person holds title, irrespective of location.

(5) "Strip stamps" means stamps affixed to individual containers of distilled spirits in accordance with section 2803 of the Internal Revenue Code of the United States.

(6) "Gauge" means the weight, proof, number of wine gallons, number of proof gallons, or any one or more thereof, as determined by an official United States customs gauger.

(7) "Regauge" means a gauge made after the first gauge within continental United States.

(8) "OPA price" means the seller's maximum price determined under this regulation for a sale to a purchaser of the particular class, or an amount less than that price.

(f) Unless the context otherwise requires, definitions contained in § 1499.20 (c) (h) (i) (j) (k) (m) (o) (p) (r) and (s) of the General Maximum Price Regulation shall apply to the same or corresponding terms used herein, and the definitions contained in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

Sec. 7.13 *Geographical applicability.* The provisions of this regulation shall be applicable to the forty-eight states of the United States and to the District of Columbia.

*Effective date.* This regulation shall become effective August 14, 1943.

*Note:* All reporting and record-keeping requirements of this Regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 9th day of August 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-12916; Filed, August 9, 1943;  
3:20 p. m.]

#### PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 14]

##### SCRAP SILVER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Revised Supplementary Regulation No. 14 is amended in the following respects:

1. Section 5.4 (b) (2) is amended by adding at the end thereof the following:

\*Copies may be obtained from the Office of Price Administration.  
18 F.R. 9187, 9880.

The term shall also include scrap produced by suppliers in semi-fabricating operations and sold by such suppliers as silver casting metal.

2. Section 5.5 (d) (5) is amended by adding at the end thereof the following:

The term "scrap silver" does not include scrap produced by suppliers in semi-fabricating operations and sold by such suppliers as silver casting metal.

This amendment shall become effective August 14, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of August 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-12931; Filed, August 9, 1943;  
3:25 p. m.]

#### PART 1499—COMMODITIES AND SERVICES.

[Order 598 Under § 1499.3 (b) of GMPR]

##### LOOSE-WILES BISCUIT CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.2136 *Authorization for determination of maximum prices for sales of Marshmallow Sandwich by Loose-Wiles Biscuit Co.* (a) Loose-Wiles Biscuit Co., having its principal place of business at Long Island City, New York, may sell and deliver the commodity known as "Marshmallow Sandwich" at wholesale and any person may buy and receive the said commodity from said Loose-Wiles Biscuit Co. at wholesale at prices not exceeding \$2.40 per dozen packages.

(b) The Loose-Wiles Biscuit Co. shall distribute at the time of or before the initial sale to each purchaser of the said commodity from said Loose-Wiles Biscuit Co. a written notice to read as follows:

The Office of Price Administration has authorized us to sell "Marshmallow Sandwich" at a maximum selling price of \$2.40 per dozen packages subject to our customary discount and allowances.

Any seller at retail may determine his maximum selling price for the said commodity by adding a 25% margin of profit to his net cost thereof.

You are required to keep this notice for examination upon request by any person.

(c) This Order No. 598 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 598 (§ 1499.2136) shall become effective August 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of August 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-12923; Filed, August 9, 1943;  
3:23 p. m.]

#### PART 1499—COMMODITIES AND SERVICES

[Order 599 Under § 1499.3 (b) of GMPR]

##### CONFECTIONS, INC.

For the reasons set forth in an opinion issued simultaneously herewith *It is ordered:*

§ 1499.2137 *Authorization of maximum prices governing sales of "Honey Child", a confectionery item, manufactured by Confections, Inc., Chicago, Illinois.* (a) That on and after the 10th day of August 1943, Confections, Inc., of Chicago, Illinois, may sell its 4 ounce cellophane bags of "Honey Child" to wholesalers at the maximum delivered price of \$1.44 less 2%—10 days, per shipping case of 24 bags.

(b) That wholesalers of "Honey Child" shall establish a maximum selling price not in excess of \$1.80 per 24 bags delivered.

(c) That retailers of "Honey Child" shall establish a maximum selling price not in excess of 10 cents per 4-ounce bag.

(d) That Confections, Inc., shall mail or otherwise supply to its purchasers at the time of or prior to the first delivery to such purchaser, a written notice as follows:

The Office of Price Administration has authorized us to sell our 4 ounce cellophane bags of "Honey Child" to wholesalers at a maximum delivered price of \$1.44 less 2%—10 days, per shipping case of 24 bags. You are authorized to establish a delivered selling price to retailers not in excess of \$1.80 per 24 bags.

(e) That Confections, Inc., for a period of at least ninety days, shall place in or on the smallest retail packing units a written notice as follows:

The Office of Price Administration has authorized us to sell our 4 ounce cellophane bags of "Honey Child" to wholesalers who in turn are authorized to sell this item to retailers at a delivered price not in excess of \$1.80 per 24 bags. Retailers are authorized to sell "Honey Child" at a price not in excess of 10 cents per 4 ounce bag.

(f) This order may be amended or revoked at any time by the Office of Price Administration.

(g) This order shall become effective August 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681.)

Issued this 9th day of August 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-12924; Filed, August 9, 1943;  
3:23 p. m.]

#### PART 1499—COMMODITIES AND SERVICES

[Order 90 Under SR 15 to GMPR]

##### ALLER AND SHARP, INC.

Order No. 90 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF3-3307.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1390 *Adjustment of maximum prices for contract carrier services furnished by Aller and Sharp, Inc.* (a) Aller and Sharp, Inc., 817 West Fifth Avenue, Columbus, Ohio, may sell and deliver contract carrier services on and after April 1, 1943 at rates not to exceed those set forth in the schedule of rates annexed to its application for adjustment and identified as Exhibit "T".

(b) All requests of the application not granted herein are denied.

(c) This Order No. 90 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 90 (§ 1499.1390) shall become effective as of April 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of August 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-12932; Filed, August 9, 1943; 3:24 p. m.]

Sched. No.	Name	Item No.	Style of processing	Size	Base price per pound
Sched. 47...	Whiting ( <i>Merluccius bilinearis</i> )	6	Dressed and Sealed	All sizes	0.03 1/4

4. In section 20, the base price per pound for Item No. 1 of Schedule No. 53, Scallops (*Pecten* species) is amended to read ".38" instead of ".45".

This amendment shall become effective August 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of August 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-12922; Filed, August 9, 1943; 3:26 p. m.]

#### PART 1377—WOODEN CONTAINERS

[MPR 424, Amdt. 1]

#### TIGHT COOPERAGE STOCK AND SAWED TIGHT COOPERAGE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation 424 is amended in the following respects:

1. The first paragraph of section 5 (c) is amended to read as follows:

(c) *Sales by dealers or merchants.* In sales by dealers or merchants of their purchased stock the maximum prices for tight staves and/or headings of more than 6,000 pounds shall be the maximum f. o. b. producing factory price contained

#### PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 364, Amdt. 3]

#### FROZEN FISH AND SEAFOOD

A statement of the considerations involved in the issuance of the amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

Maximum Price Regulation No. 364 is amended in the following respects:

1. In section 20, the base prices per pound for Item Nos. 1, 2, 3, and 4 of Schedule No. 43, swordfish (*Xiphias gladius*), are amended to read ".34 1/2", ".36 3/4", ".33 3/4", and ".48" respectively instead of ".45", ".48", ".46", and ".50".

2. In section 20, the base prices per pound for Item Nos. 1, 2, 3, 4, and 5 of Schedule No. 47, whiting (*Merluccius bilinearis*) are amended to read ".05 1/4", ".08", ".16 3/4", ".15 3/4", and ".15 3/4" respectively instead of ".04", ".09", ".16", ".17", and ".18".

3. In section 20, Schedule No. 47 is amended by adding Item No. 6 to read as follows:

in the schedule plus a mark-up of 7 percent of the f. o. b. factory price.

2. The portion of section 14 beginning with the phrase, "Persons desiring to sell as warehousemen", and ending with the phrase, "and be specifically licensed" is amended to read as follows:

Any person desiring to sell as a warehouseman, dealer or merchant must file his qualifications with the Lumber Branch, Office of Price Administration, Washington, D. C. and be specifically licensed. Upon filing his qualifications as a warehouseman, dealer or merchant a person may make such sales, subject to refund in event his license is not granted.

This amendment shall become effective August 9, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of August 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-12927; Filed, August 9, 1943; 3:26 p. m.]

#### PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[8th Rev. Zoning Order 1 Under RO 3\*]

#### SUGAR RATIONING REGULATIONS, ORDER ESTABLISHING ZONES

Pursuant to § 1407.168, the Seventh Revised Zoning Order No. 1 is amended to read as follows:

\* 8 F.R. 4640, 5568.

\* 8 F.R. 5909, 5846, 6135, 6442, 6629, 6961, 7351, 7360, 8010, 8184, 8678, 8911, 9304, 9499, 10304, 10512.

§ 1407.281 *Establishment of zones; authorization of certain deliveries, shipments and transfers.* (a) The following zones are hereby established:

Zone 1 shall include the States of Maine, Massachusetts, New Hampshire, Rhode Island and Vermont.

Zone 1A shall include the State of Connecticut.

Zone 2 shall include the State of New York and Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Sussex and Union Counties in the State of New Jersey.

Zone 3 shall include the States of Delaware and Pennsylvania and that part of the State of New Jersey not included in Zone 2.

Zone 3A shall include the State of Ohio; Brooke, Hancock, Ohio and Marshall Counties in the State of West Virginia; and that part of the State of Indiana not located in Zone 8.

Zone 4 shall include the State of Maryland; Barbour, Berkeley, Braxton, Calhoun, Doddridge, Gilmer, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Pendleton, Pleasants, Preston, Randolph, Ritchie, Taylor, Tucker, Tyler, Upshur, Wetzol, Wirt, and Wood Counties in the State of West Virginia; Accomac, Arlington, Caroline, Charles City, Clarke, Culpeper, Elizabeth City, Essex, Fairfax, Fauquier, Frederick, Gloucester, Greene, Hanover, Henrico, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Loudoun, Madison, Mathews, Middlesex, Nanamond, New Kent, Norfolk, Northampton, Northumberland, Orange, Page, Prince George, Princess Anne, Prince William, Rappahannock, Richmond, Rockingham, Shenandoah, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warren, Warwick, Westmoreland, and York Counties and the independent cities of Alexandria, Fredericksburg, Hampton, Harrisonburg, Hopewell, Newport News, Norfolk, Portsmouth, Richmond, South Norfolk, Suffolk, Williamsburg and Winchester in the State of Virginia; and the District of Columbia.

Zone 5 shall include the State of North Carolina; that part of the State of Virginia not included in Zone 4; that part of the State of West Virginia not included in Zones 3A and 4; Bell, Boyd, Breathitt, Carter, Elliott, Floyd, Greenup, Harlan, Johnson, Knott, Lawrence, Leslie, Letcher, Mageson, Martin, Perry and Pike Counties in the State of Kentucky; and Anderson, Blount, Bradley, Campbell, Carter, Claiborne, Cooke, Grainger, Greene, Hamblen, Hamilton, Hancock, Hawkins, Jefferson, Johnson, Knox, Loudon, McMinn, Meigs, Monroe, Polk, Rhea, Roane, Sevier, Sullivan, Union, and Washington Counties in the State of Tennessee.

Zone 6 shall include the States of Georgia and South Carolina.

Zone 7 shall include that part of the State of Florida which lies east of the Apalachicola River.

Zone 8 shall include the States of Arkansas, Alabama, Louisiana and Mississippi; that part of the State of Florida which lies west of the Apalachicola River; that part of the State of Kentucky which is not located in Zone 5; that part of the State of Tennessee which is not located in Zone 5; and Benton, Boone, Brown, Carroll, Clark, Clay, Clinton, Crawford, Davies, Dubois, Floyd, Fountain, Gibson, Greene, Harrison, Hendricks, Jasper, Johnson, Knox, Lake, Lawrence, Marion, Martin, Monroe, Montgomery, Morgan, Newton, Orange, Owen, Parks, Perry, Pike, Porter, Ponce, Putnam, Putnam, Spencer, Sullivan, Tippecanoe, Vanderburgh, Vermillion, Vigo, Warren, Warrick, Washington and White Counties in the State of Indiana.

Zone 9 shall include all counties in the State of Texas except Andrews, Armstrong, Bailey, Borden, Brewster, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Crane, Crockett, Crosby, Culberson, Dallam,

\* Copies may be obtained from the Office of Price Administration.

\* 8 F.R. 9516.

Dawson, Deaf Smith, Dickens, Donley, Ector, El Paso, Floyd, Gaines, Garza, Glasscock, Gray, Hale, Hall, Hansford, Hartley, Hemphill, Hockley, Howard, Hudspeth, Hutchinson, Irion, Jeff Davis, Kent, King, Lamb, Lipscomb, Loving, Lubbock, Lynn, Martin, Midland, Mitchell, Moore, Motley, Ochiltree, Oldham, Farmer, Pecos, Potter, Presidio, Randall, Reagan, Reeves, Roberts, Scurry, Sherman, Sterling, Stonewall, Swisher, Terrell, Terry, Upton, Ward, Wheeler, Winkler and Yoakum Counties.

Zone 9A shall include all counties in the State of Oklahoma except Beaver, Cimarron and Texas Counties.

Zone 10 shall include the lower peninsula of the State of Michigan.

Zone 11 shall include the States of Illinois, Missouri and Wisconsin and the upper peninsula of the State of Michigan.

Zone 12 shall include all of the continental United States not included in Zones 1 to 11 inclusive.

(b) "Base rate" as used herein, refers to the lowest published refiners' base rate in effect on the effective date of this Eighth Revised Zoning Order No. 1.

(c) Sugar may be delivered, shipped or transferred as follows:

(1) From Zone 1 to any point in Zone 1A.

(2) From Zone 2 to any point in Zones 1A, 3A, on 10.

(3) From Zone 3 to any point in Zones 3A or 10.

(4) From Zone 8 to any point in Zone 11.

(5) From Zone 9 to any point in Zone 9A.

(6) From Zone 12 to any point in Zones 9A or 11.

(d) (1) Granulated sugar in 5 and 10 pound packages and confectioners' sugar in bulk may be delivered, shipped or transferred from Zone 4 to those parts of the States of Kentucky, West Virginia and Virginia located in Zone 5 and to that part of the State of North Carolina where the base rate is based on shipments from Baltimore, Maryland and to any point in the City of Bristol located in the State of Tennessee; from Zone 6 to any point in that part of the State of Tennessee located in Zone 5 and to that part of the State of North Carolina where the base rate is based on shipments from Savannah, Georgia, and to any point in the City of Bristol located in the State of Virginia.

(2) Confectioners' sugar in bulk may be delivered, shipped or transferred from Zone 6 to any point in Zone 7.

(e) Any carrier who has, prior to the effective date of this Eighth Revised Zoning Order No. 1, accepted sugar for a delivery, shipment or transfer not at that time prohibited by §§ 1407.168 and 1407.281 may complete such delivery, shipment or transfer after the effective date of this Eighth Revised Zoning Order No. 1.

This revised zoning order shall become effective August 9, 1943.

(Pub. Law 421, 77th Cong., Executive Order 9125, 7 F.R. 2719; Executive Order 9280, 7 F.R. 10179; WPB Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965; Food

Dir. No. 3, 8 F.R. 2005; § 1407.168 of Rationing Order No. 3)

Issued this 9th day of August 1943.

HAROLD B. ROWE,  
Director, Food Rationing Division.

[F. R. Doc. 43-12930; Filed, August 9, 1943; 3:26 p. m.]

## PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[Rev. MPR 341]

### MAXIMUM PRICES FOR USED COMMERCIAL MOTOR VEHICLES

Maximum Price Regulation No. 341 (Used Commercial Motor Vehicles) is redesignated Revised Maximum Price Regulation No. 341 (Maximum Prices for Used Commercial Motor Vehicles), and is revised and amended to read as follows:

In the judgment of the Price Administrator, prices of used commercial motor vehicles have risen to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942, as amended. The Price Administrator has ascertained and given due consideration to the prices of used commercial motor vehicles prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined to be of general applicability. So far as practicable, the Price Administrator has consulted with and has been advised by representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator, the maximum prices established by this revised regulation are and will be generally fair and equitable and will effectuate the purposes of the Act. A statement of the considerations involved in the issuance of this revised regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

§ 1360.501 *Maximum prices for used commercial motor vehicles.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Revised Maximum Price Regulation No. 341 (Maximum Prices for Used Commercial Motor Vehicles), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1360.501 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

REVISED MAXIMUM PRICE REGULATION NO. 341—  
MAXIMUM PRICES FOR USED COMMERCIAL  
MOTOR VEHICLES

### ARTICLE I—SCOPE OF REGULATION AND PROHIBITION

#### Sec.

1. Applicability of this regulation.
2. Prohibition against dealing in used vehicles at prices above the maximum.
3. Relation to other regulations.
4. Less than maximum prices.

\*Copies may be obtained from the Office of Price Administration.

### ARTICLE II—MAXIMUM PRICES

#### Sec.

5. Maximum prices for used vehicles.
6. Computation of "base price".
7. Percentage to be used in multiplying "base price" to obtain maximum price and the method for adjusting the percentage to allow for depreciation.
8. "Warranted" used vehicles.
9. Maximum prices for special cases.

### ARTICLE III—MISCELLANEOUS

10. Federal and state taxes.
11. Evasion.
12. Tag to be attached by dealer to vehicle.
13. Certificate of transfer that must be completed for a sale of a used vehicle.
14. Records and reports.
15. Enforcement.
16. Licensing and registration.
17. Petitions for amendment of general applicability.
18. Definitions.

Appendix A: Form of tag to be attached by dealer when offering a used vehicle for sale, as required by section 12.

Appendix B: Form of certificate of transfer to be completed as required by section 13.

Appendix D: Table of freight allowance rates.

### Article I—Scope of Regulation and Prohibition

SECTION 1. *Applicability of this regulation.*—(a) To what sales this regulation applies. This regulation applies to all sales by dealers and other persons of used commercial motor vehicles.

(1) *Definition of used commercial motor vehicle ("used vehicle").* "Used commercial motor vehicle", (called "used vehicle" in this regulation), means any self-propelled vehicle, or a vehicle drawn by it, which was designed for use on the highways for the transportation of property or of more than ten persons and which, irrespective of mileage, has been transferred to a person who has acquired it for use and not for the purpose of resale. It includes vehicles of the following types: complete trucks, truck tractors, truck trailers (full and semi), ambulances, hearses, omnibuses, carryall suburbans, sedan deliveries, utility sedans, coupes fitted with pickup boxes, cab pickups, and chassis and bodies for all of the foregoing; but does not include passenger automobiles, taxicabs, station wagons, vehicles operated on rails, self-tracklaying vehicles, nor farm and garden tractors designed and used for agricultural purposes.

(b) *Geographical applicability.* This regulation applies to the 48 states of the United States and the District of Columbia, and to the territories and possessions of the United States.

SEC. 2. *Prohibition against dealing in used vehicles at prices above the maximum.* (a) On and after August 16, 1943, regardless of any contract or other obligation, except as provided in paragraphs (b), (c), and (d):

(1) No person shall sell or deliver any used vehicle at a price higher than the maximum price permitted by this regulation; and

(2) No person, in the course of trade or business, shall buy or receive a used vehicle at a price higher than the maximum price permitted by this regulation, but if he, the purchaser, has received from the seller a statement that the price charged does not exceed the maxi-

imum price, and he has no knowledge to the contrary, he shall be deemed to have complied with this subparagraph.

(3) No person shall agree, offer, or attempt to do any of the acts prescribed in subparagraphs (1) and (2) of this section.

(b) The provisions of paragraph (a) (2) of this section shall not be applicable to any War Procurement Agency or any contracting officer thereof, and any such contracting officer or any paying finance officer shall be relieved of any and every liability, civil or criminal, imposed by this regulation or by the Emergency Price Control Act of 1942, as amended.

(c) Nothing in this regulation shall prevent the fulfillment of any contract for the purchase of a used vehicle whether in the nature of a conditional sales agreement, rental contract providing for purchase, or other arrangement, entered into before April 26, 1943, and under which the used vehicle was delivered prior to April 26, 1943.

(d) Where a promissory note covering payment to a dealer or other seller for a used vehicle is discounted by a bank, finance company, or other person and the latter takes possession of the vehicle after default by the maker of the note, the return of the repossessed used vehicle to the dealer in connection with recovery from him of the unpaid balance of the note does not constitute a sale, purchase, or transfer subject to the regulation. However, the sale of a repossessed used vehicle by such a holder of "used vehicle paper" at public or private sale, except the return of a used vehicle in connection with a contract to repurchase, is subject to the regulation.

#### SEC. 3. Relation to other regulations—

(a) *In general.* The transactions, persons, and commodities subject to this regulation shall not be subject to any other regulation issued by the Office of Price Administration in so far as they are affected by this regulation, except as provided in paragraphs (b) and (c).

(b) *Exports.* The provisions of this regulation do not apply to the purchase, sale, or delivery for export from the Continental United States or the District of Columbia of a used vehicle. Such a sale, purchase, or delivery is covered by the Second Revised Maximum Export Price Regulation.<sup>1</sup>

(c) *Imports.* The provisions of this regulation shall not apply to the sale, purchase or delivery of a used vehicle which is not manufactured in, but is imported from any foreign country other than Mexico or the Dominion of Canada into, the continental United States or the District of Columbia. Such a sale, purchase, or delivery is covered by the provisions of the General Maximum Price Regulation<sup>2</sup> and especially its Revised Supplementary Regulation No. 12.

SEC. 4. *Less than maximum prices.* Prices lower than maximum prices established by this regulation may be charged and paid.

#### Article II—Maximum Prices

SEC. 5. *Maximum prices for used vehicles.* Except for special cases provided for in section 9, to figure the maximum price of a used vehicle, the seller must

(a) Find the "base price" according to section 6; and

(b) Multiply such "base price" by the percentage in section 7 (a) applicable to the model year of the vehicle and the condition in which it is sold ("as is" or "warranted"). Before the percentage applicable to a "warranted" vehicle can be used the vehicle must be in the condition required by section 8 and the warranty stated in that section must be furnished to the purchaser.

#### SEC. 6. Computation of "base price".

(a) The "base price" for any used vehicle shall be the sum of

(1) The "value when new" of the vehicle, determined in accordance with paragraph (b) of this section;

(2) A transportation allowance, determined in accordance with paragraph (c) of this section; and

(3) The "value when new" of any extras, determined in accordance with paragraph (d) of this section.

(b) *Method of determining "value when new"*—(1) *When the vehicle is priced as a complete unit.* The "value when new" for a vehicle being priced as a complete unit shall be determined by the first of the following which is applicable:

(i) *Complete vehicle listed in Appendix C.* If the vehicle being priced is listed in Appendix C of superseded Maximum Price Regulation No. 341, which appendix is incorporated herein by reference and called Appendix C, the "value when new" shall be the price there listed for such a vehicle.

(ii) *Only chassis listed in Appendix C.* If the chassis of the vehicle being priced is listed in Appendix C, and if the complete vehicle is not so listed, the "value when new" shall be the price listed in Appendix C for the chassis alone or the chassis with cab, whichever is appropriate, plus the first applicable of the following:

(a) The original retail price when new, f. o. b. factory, for the body with which the vehicle being priced is now equipped; or

(b) The retail price new, f. o. b. factory, in effect on March 31, 1942, for the same or most comparable body.

(iii) *Neither complete vehicle nor chassis listed in Appendix C.* If neither the complete vehicle nor the chassis being priced is listed in Appendix C, the "value when new" shall be determined as follows:

(a) If the vehicle being priced was purchased new as a complete vehicle, the "value when new" shall be the original retail price new of the vehicle, f. o. b. factory; or

(b) If the chassis and body were bought separately, the "value when new" of the vehicle shall be the sum of the price of the chassis or chassis with cab and the price of the body, each determined by one of the following methods:

(1) *The chassis or the chassis with cab.* The original retail price new, f. o. b. factory, or if that price is not ascertainable, the retail price new, f. o. b. factory, for the same or most comparable chassis of the same year of manufacture listed in Appendix C.

(2) *The body.* The original retail price new, f. o. b. factory, or if that price is not ascertainable, the retail price new, f. o. b. factory, in effect on March 31, 1942, for the same or most comparable body.

(2) *When the chassis, or chassis with cab, and body are sold or priced separately.* If the chassis, or chassis with cab, and body are sold separately or are priced separately in accordance with section 9 (b), the "value when new" shall be determined as follows:

(i) *The chassis or chassis with cab—*  
(a) *When listed in Appendix C.* When the chassis or chassis with cab is listed in Appendix C, the "value when new" is the price there listed.

(b) *When not listed in Appendix C.* When the chassis or chassis with cab is not listed in Appendix C, the "value when new" shall be the original retail price new, f. o. b. factory, or if that price is not ascertainable, the price for the most comparable chassis, or chassis with cab, of the same year of manufacture listed in Appendix C.

(ii) *The body.* The "value when new" of the body shall be the original retail price new, f. o. b. factory, or if that price is not ascertainable, the retail price new, f. o. b. factory in effect on March 31, 1942 for the same or most comparable body.

(c) *Transportation allowance to be included in "base price".* There may be included in the "base price" of a used vehicle, an allowance for transportation determined in accordance with the following subparagraphs:

(1) *Sales within the 48 United States and the District of Columbia.* Upon any sale within the United States and the District of Columbia, the allowance that may be added is the amount based on the rate per hundred weight listed in Appendix D for shipment from the principal place of manufacture of the chassis to the area in which the seller's place of business is located. If applicable rates are not listed in Appendix D, the allowance shall be an amount not to exceed the actual rail freight at carload rates as of March 31, 1942, or at current carload rates, whichever are lower, or \$20.00. The carload rates shall be those for a vehicle of the same wheel base, shipping weight (actual or as listed in Appendix C) and over-all size of the vehicle being priced, shipped by the most direct route from the principal place of manufacture of the chassis to the freight station nearest the seller's place of business.

(2) *Sales within a territory or possession of the United States.* Upon any sale occurring in any territory or possession of the United States, the transportation allowance shall be the allowance calculated in accordance with subparagraph (1), from the principal place of manufacture of the chassis to Seattle,

<sup>1</sup> 8 F.R. 4132, 5987, 7662.

<sup>2</sup> 8 F. R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025.



Washington, for sales in the Territory of Alaska; to San Francisco, California, for sales in any other territory or possession in the Pacific Ocean; to New York, New York, for sales in any other territory or possession, plus the costs of shipment in each case from such port to the seller's place of business at rates in effect on October 1, 1941.

(d) *Allowance for extras to be included in "base price"*—(1) *When allowance may be included.* An allowance for extras, in the amount of their "value when new" as determined pursuant to subparagraph (2), may be included in the "base price".

(i) *Upon a sale by a person other than a dealer,* only for extras with which a vehicle is equipped at the time of sale,

(ii) *Upon a sale by a dealer,* only for those extras with which a vehicle was equipped when it was purchased by the dealer and with which it is still equipped at the time of sale. A dealer may make a charge for extras with which the vehicle was not equipped when it was purchased by such dealer only if such extras are added at the purchaser's request, and in that case, the additional charge shall be determined in accordance with paragraph (a) of section 9.

(2) *Method of determining amount of allowance, "value when new", of extras.* The "value when new" of extras shall be the sum of the original retail prices new, or, if such original retail prices new, are not ascertainable, then the current retail prices new in the area in which the vehicle is being sold (not to exceed applicable maximum prices), for the same or most comparable extras. Where an extra has replaced equipment on the used vehicle, the allowance to be included in the "base price" for such an extra shall be limited to its exchange value new.

SEC. 7. *Percentage to be used in multiplying "base price" to obtain maximum price and the method for adjusting percentage to allow for depreciation.*—(a) *Table of percentages.*—(1) *For a used vehicle or chassis.* For a used vehicle or a used vehicle chassis, the percentage to be used in multiplying the "base price" to obtain the maximum price shall not exceed the percentage stated in the following schedule which is applicable to the model year of the vehicle as determined by the manufacturer and the condition in which the vehicle is sold ("as is" or "warranted").

Model year	Percentages	
	"As is"	"Warranted"
	Percent	Percent
1943 and 1942 (sold in 1943).....	92	103
1942.....	85	97
1941.....	73	86
1940.....	63	78
1939.....	58	73
1938.....	55	70
1937.....	51	67
1936.....	46	62
1935.....	41	58
1934.....	37	54
1933*.....	33	50

\*1932 and lower model year vehicles take the percentages applicable to 1933.

Where the manufacturer did not designate a model year for the vehicle when it was new, the year including the date when it was delivered new to the first purchaser for use shall be considered as the model year if such date of delivery can be substantiated by the motor or serial number or by the original bill of sale or original invoice. If such information cannot be obtained, the year 1933 shall be considered as the model year.

(2) *For a body of a used vehicle.* For a body of a used vehicle, the percentage to be used in multiplying the "base price" to obtain the maximum price shall not exceed the percentage listed in the schedule in subparagraph (1) which is applicable to the model year and the condition in which the body is sold ("as is" or "warranted"). The model year is the year of the original manufacture of the body or the model year 1933.

(b) *Method for adjusting percentage to allow for depreciation.* On January 1, 1944 the maximum price for a used vehicle shall be reduced to allow for depreciation. This shall be done by adjusting the percentages listed in paragraph (a) (1) to make each of them applicable to the model year one year more recent than the model year it was applicable to before the date of adjustment. For example, the revised schedule on January 1, 1944 shall be:

Model year	Percentages	
	"As is"	"Warranted"
	Percent	Percent
1944.....	92	103
1943 and 1942 (sold in 1943).....	85	97
1942.....	73	86
1941.....	63	78
1940.....	58	73
1939.....	55	70
1938.....	51	67
1937.....	46	62
1936.....	41	58
1935.....	37	54
1934*.....	33	50

\*1933 and lower model year vehicles take the percentages applicable to 1934.

SEC. 8. *"Warranted" used vehicle.* (a) A "warranted" used vehicle, which includes a chassis or body sold separately, is one in good operating condition with which a dealer furnishes the following warranty:

#### Dealer's Warranty

The used vehicle described below is hereby warranted to be in good operating condition, and to remain in such condition under normal use and service for a period of 30 days after delivery, or 1000 miles, whichever may first occur.

We agree, if said vehicle is delivered during the above period to our place of business, to make with reasonable promptness any repairs or replacements which may be necessary to its good operating condition in accordance with normal use and service.

This warranty does not extend to tires, tubes, paint, glass, upholstery, or to any repairs or replacements made necessary by misuse, negligence, or accident.

Make of used vehicle.....Model.....  
Date of delivery.....Speedometer reading.....  
Serial or motor number.....

Total selling price \$.....  
-----  
(Name of dealer making sale)  
-----  
For.....  
(Name of proper representative thereof, and title)  
-----  
(Address)

(b) A dealer may extend to the purchaser warranties in addition to those provided in the warranty stated in paragraph (a), but this shall be done in a warranty separate and in addition to the warranty provided in paragraph (a), and the maximum price established by section 5 shall not be increased thereby.

(c) If any dealer shall fail to perform his obligations under the terms of the warranty provided in paragraph (a), he shall be deemed to have violated the provisions of this regulation to the extent that the price charged exceeded the price determined under section 5 for the used vehicle sold "as is".

SEC. 9. *Maximum prices for special cases.*—(a) *Maximum price where alterations are made or extras added at purchaser's request or for purpose of attaching a new body to form a complete vehicle.* (1) Where a purchaser from a dealer requests that alterations, as distinct from reconditioning operations, be made in a used vehicle or chassis, or that the vehicle or chassis be equipped with extras, the maximum price applicable to the sale of such vehicle or chassis by the dealer after the requested alterations have been made or the extras have been added shall be the sum of subdivisions (i), (ii), and (iii).

(i) The maximum price for the vehicle or chassis without alterations or such extras, determined in accordance with other provisions of this regulation, and

(ii) Prices for extras (as defined in section 18) not to exceed maximum prices under applicable maximum price regulations.

(iii) Prices for parts, materials, and services supplied in making the alterations, not to exceed their maximum prices under applicable maximum price regulations when supplied by the dealer in the course of an alteration job to a regular customer of the same class of customers.

(2) Where a used chassis is altered, extras added and a new body attached to form a complete vehicle, the dealer's maximum price for such a vehicle shall be the sum of the prices determined for the used chassis in accordance with subdivisions (i), (ii), and (iii) of subparagraph (1) plus the maximum price for the new body under the applicable maximum price regulation.

(b) *Maximum prices for a used vehicle consisting of a chassis and body of different model years.* Where a used vehicle consists of a chassis and body of different model years, the maximum price for both the chassis and the body may be determined separately in accordance with the applicable provisions of this regulation.

(c) *Maximum prices for a used vehicle to which is attached special equipment.* Where there is attached to a used ve-

hicle special equipment such as mixers, cranes, scoops, shovels, welding machines, compressors, and winches with independent power or other equipment, whose use is not dependent on its attachment to the vehicle, this special equipment shall be priced separately in accordance with the maximum price regulation that would be applicable if such equipment were not attached to the vehicle, and the used vehicle shall be priced in accordance with the applicable provisions of this regulation.

(d) *Maximum prices for used vehicles which cannot be priced under other sections of this regulation.* Where a used vehicle cannot be priced under any of the other sections of this regulation because it cannot be identified with any model year, or for any other reason, a maximum price may be established for such a vehicle by the nearest Office of Price Administration regional office, or any district office authorized by a regional office, if the seller furnishes adequate data in writing to that office to indicate the nature of the vehicle, the special circumstances making the other pricing provisions of this regulation inapplicable, the proposed selling price, the costs of the vehicle to the seller, and his proposed margin of profit. The regional or district office to which application is made may approve for such a vehicle a pricing method for establishing a maximum price, or a specified maximum price. If that office does not disapprove the application within thirty days from the date it is received, the proposed price shall be the maximum price. The proposed price may be charged on the mailing of the application and thereafter unless the regional or district office disapproves the application within the thirty-day period, but no payment shall be received until either that office has approved the proposed price or has not disapproved it within the thirty-day period.

#### Article III—Miscellaneous

SEC. 10. *Federal and state taxes.* There may be added to the maximum price for any used vehicle the amount of any federal, state and municipal tax upon, or incident to, the sale, delivery, processing or use of such vehicle. However, the amount of such tax must be stated separately on the certificate required by section 13. No taxes on the vehicle when new may be added to, or included in, the maximum price.

SEC. 11. *Evasion.* (a) It shall be a violation of this regulation to charge a price above the applicable maximum price in connection with any sale of a used vehicle, either alone or in conjunction with any other consideration even though the price increase appears only indirectly. Specifically, the seller is not permitted to require the purchaser, as a condition of the sale or transfer of the vehicle, to make payment over a period of time; to require him to finance the purchase through any particular lending agency; to require him to purchase any equipment, accessories, repairs, parts, or services so as to increase the total compensation above the maximum price; to require him to purchase any other com-

modity or service; or to require him to make payment in whole or in part by exchanging or transferring or trading in any other vehicle or other product or commodity, or where there is an exchange, transfer, or trade-in, to require him to accept an allowance for the vehicle, product or commodity, exchanged, transferred, or traded-in, which is below its reasonable value. Furthermore, the seller is prohibited from providing for the purchase of the used vehicle by a lessee under a rental contract at an agreed valuation which together with the amount paid for the rental is higher than the applicable maximum price at the time the rental contract is entered into, and from making the terms and conditions of sale more onerous to purchasers than they customarily have been except to the extent allowed by this regulation.

(b) The Office of Price Administration may upon written request grant written permission to any dealer subject to this regulation to change his credit terms, where such change is necessitated by orders issued by the Federal Reserve System or any other agency of the United States.

SEC. 12. *Tag to be attached by dealer to vehicle.* Every dealer offering a used vehicle for sale shall attach to it in a conspicuous place a label or tag not smaller than 4" x 8" in the form set forth in Appendix A, on which shall be set forth legibly all of the information called for in Appendix A.

SEC. 13. *Certificate of transfer that must be completed for a sale of a used vehicle.* Every person when he sells or purchases a used vehicle shall complete a certificate of transfer, Appendix B, which may be obtained from dealers or from the local war price and rationing board. When the used vehicle has been sold, the seller shall insert the details of the sale on the certificate and both the seller and purchaser shall certify on the certificate that they have complied with the revised regulation and that the selling price was not above the maximum stated on the certificate. The completed certificate shall be delivered to the purchaser who shall turn it into the local war price and rationing board. Any misrepresentation in connection with the certificate shall be subject to the penalties provided by the applicable statutes of the United States. This section shall not be applicable to sales to dealers and shall not be effective until 30 days from the effective date of this revised regulation.

SEC. 14. *Records and reports.* Every person who sells a used vehicle shall, so long as the Emergency Price Control Act of 1942, as amended, remains in effect, keep and make available for examination by the Office of Price Administration records customarily kept in connection with the sale of a used vehicle and a copy of each warranty, if any, furnished in accordance with section 8.

SEC. 15. *Enforcement.* (a) Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, proceedings for suspension of licenses, and suits for treble damages provided for by the

Emergency Price Control Act of 1942, as amended.

SEC. 16. *Licensing—(a) License required.* A license as a condition of selling is hereby required of every dealer now and hereafter selling any used vehicle for which a maximum price is established by this regulation and of every person now or hereafter making frequent sales of such vehicles as an incident to his regular business. No person whose license is suspended shall sell any used vehicle during this period of suspension.

(b) *License granted.* Every person required to be licensed pursuant to paragraph (a) of this section is, by this section, granted a license as a condition of selling such used vehicle. The provisions of this regulation and any amendments thereto, shall be deemed to be incorporated in the license hereby granted, and any violation of any provision so incorporated shall be a violation of said license. Such license shall be effective on the effective date of this regulation, or whenever any person becomes subject to the maximum price provisions of the regulation, and shall, unless suspended in accordance with the provisions of the Emergency Price Control Act of 1942, as amended, continue in force so long as, and to the extent that, this regulation or any amendment or supplement thereto remains in effect.

SEC. 17. *Petitions for amendment of general applicability.* Any person seeking a modification of any provision of this regulation may file an amendment in accordance with the provisions of Revised Procedural Regulation No. 1,<sup>2</sup> issued by the Office of Price Administration.

SEC. 18. *Definitions.* (a) "As is" refers to a sale of a used vehicle without a warranty by a dealer and to any sale of a used vehicle by a person other than a dealer.

(b) "Dealer" means a person engaged, in whole or in part, in the business of buying, selling, repairing, and reconditioning used vehicles and who maintains a place of business for the display, sale, repairing, and reconditioning of such vehicles. A person who cannot qualify as a dealer because he does not maintain a place for repairing and reconditioning may be approved in writing as a dealer under this regulation by the nearest Office of Price Administration regional office or any district office authorized by a regional office, if he provides adequate evidence to that office that he has an established working arrangement with a reputable business engaged in the repair and reconditioning of used vehicles.

(c) "Extra" means any accessory or equipment designed for attachment to the used vehicle when new which is not provided for in the price of such a vehicle new. It does not include special equipment such as mixers, cranes, scoops, shovels, welding machines, compressors, and winches with independent power, or other equipment whose use is not dependent on its attachment to the vehicle. It does include such items as oversized

<sup>2</sup> 7 F.R. 6361; 8 F.R. 3313, 3533, 6173.

or special tires, special springs, special transmissions, special brakes, optional wheel base, body frames, heaters, radios, power-take-off winches, and other power-take-off equipment.

(d) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(e) "Sale" includes sales, dispositions, exchanges, and other transfers and contracts and offers to do any of the foregoing. It includes conditional sales and sales under rental contracts, lease agreements or other agreements except as excluded by section 2 (c). It also includes transfers by banks, finance companies, or other persons discounting promissory notes following the taking of possession by such persons upon default of the person making such promissory notes except as excluded by section 2 (d). The term "sale" does not refer to the adjustment of losses made in connection with settlements of claims under policies of insurance against fire, theft, collision, other loss of property or other coverage, even though the right of subrogation may be involved. The term "sale", "seller", "selling", "purchase", "purchaser", and "purchasing" shall be construed accordingly.

(f) "War procurement agency" includes the War Department, the Department of the Navy, the United States Maritime Commission, the Lend-Lease Section of the Procurement Division of the Treasury Department, and the following subsidiaries of the Reconstruction Finance Corporation, Metals Reserve Corporation, Defense Plant Corporation and Defense Supplies Corporation, or any agency of any of the foregoing.

*Appendix A: Form of tag to be attached by dealer when offering a used commercial motor vehicle for sale.\**

OFFICE OF PRICE ADMINISTRATION  
WASHINGTON, D. C.

Form No. 694-456

Name of dealer \_\_\_\_\_  
Address \_\_\_\_\_  
Chassis make \_\_\_\_\_ Cab \_\_\_\_\_ Body \_\_\_\_\_  
(Yes or No) (Yes or No)

\*The dealer shall be responsible for the reproduction of this tag.

Chassis model \_\_\_\_\_ Year \_\_\_\_\_ Base Weight \_\_\_\_\_  
Chassis serial No. \_\_\_\_\_ Motor No. \_\_\_\_\_  
Value when new \$ \_\_\_\_\_  
(Complete vehicle or chassis only)

Extras: (Oversize and spare tires, springs, etc. itemized below)

(1) \_\_\_\_\_ Value when new \$ \_\_\_\_\_  
(2) \_\_\_\_\_ Value when new \$ \_\_\_\_\_  
(3) \_\_\_\_\_ Value when new \$ \_\_\_\_\_  
(etc.) \_\_\_\_\_ Value when new \$ \_\_\_\_\_  
Transportation allowance \$ \_\_\_\_\_  
Total base price \$ \_\_\_\_\_

Body type \_\_\_\_\_ Year \_\_\_\_\_ Value when new \$ \_\_\_\_\_

(To be filled in only when body and chassis are of different model years or body is sold separately)

The prices computed on this tag are in accordance with the Revised Maximum Price Regulation No. 341 of the Office of Price Administration, a copy of which is available for inspection.

#### NOT WARRANTED SELLING PRICE SUMMARY

Chassis model year \_\_\_\_\_ % of base price \_\_\_\_\_ % Not warranted price \$ \_\_\_\_\_  
Body model year \_\_\_\_\_ % of base price \_\_\_\_\_ % not warranted price \$ \_\_\_\_\_  
Total (not warranted) selling price \$ \_\_\_\_\_

#### WARRANTED SELLING PRICE SUMMARY<sup>5</sup>

Chassis model year \_\_\_\_\_ % of base price \_\_\_\_\_ % warranted price \$ \_\_\_\_\_  
Body model year \_\_\_\_\_ % of base price \_\_\_\_\_ % warranted price \$ \_\_\_\_\_  
Total (warranted) selling price \$ \_\_\_\_\_

*Appendix B: Form of certificate of transfer<sup>6</sup> to be completed for a sale of a used vehicle.*

OPA Form No. 694-457

Form Approved  
Budget Bureau No. 08-R604

UNITED STATES OF AMERICA  
OFFICE OF PRICE ADMINISTRATION

*Certificate of transfer of used commercial motor vehicle under the provisions of Revised Maximum Price Regulation No. 341, Maximum Prices for Used Commercial Motor Vehicles.*

#### INSTRUCTIONS

This certificate is to be filled out by the seller for each sale, except a sale to a dealer. (Only one copy is required.) If chassis and

<sup>5</sup>In the case when the vehicle is sold at the (not warranted) price the portion of this tag devoted to the (warranted) price may be removed by the seller.

<sup>6</sup>This form may be reproduced without change.

body are priced separately, fill out two forms only, one form for the body and one form for the chassis.

Check (x) below to indicate whether information on form is for:

A. Complete vehicle (Body and Chassis) ( )

B. Body only ( )

C. Chassis only ( )

This certificate is to be signed by the purchaser and the seller when the sale is completed. The purchaser must present this certificate to the local War Price and Rationing Board when he applies for gasoline rationing coupons for the purchased vehicle.

Use ink, typewriter, or indelible pencil

1. Make \_\_\_\_\_  
2. Year \_\_\_\_\_  
3. Model \_\_\_\_\_  
4. Body type \_\_\_\_\_  
5. Serial number \_\_\_\_\_  
6. Motor number \_\_\_\_\_  
7. State or territory in which vehicle was last registered \_\_\_\_\_  
Name of seller \_\_\_\_\_  
Address—number and street \_\_\_\_\_  
City and state \_\_\_\_\_  
Name of purchaser \_\_\_\_\_  
Address—number and street \_\_\_\_\_  
City and state \_\_\_\_\_

Maximum Price of complete vehicle, chassis only or body only

8. Value when new of Item A or B or C \$ \_\_\_\_\_  
9. Allowance for extras \$ \_\_\_\_\_  
10. Allowance for special body (not included in Item 8) \$ \_\_\_\_\_  
11. Transportation allowance \$ \_\_\_\_\_  
12. Total of 8, 9, 10 and 11 equals base price \$ \_\_\_\_\_  
13. Percentage (applicable to model year) % \_\_\_\_\_  
14. Maximum price, \$ \_\_\_\_\_  
15. State or local taxes collected by seller, if any, \$ \_\_\_\_\_  
16. Actual sale price of vehicle including taxes, if any, \$ \_\_\_\_\_  
17. If seller is a dealer, is vehicle "warranted" ( ) or not "warranted" ( ) (Check one)

*Certification of purchaser and seller:* The undersigned hereby certify that they have complied with the requirements of Revised Maximum Price Regulation No. 341, Maximum Prices for Used Commercial Motor Vehicles, in establishing the maximum selling price of the above-described vehicle, and that the "Actual Sale Price of the Vehicle" is not more than the maximum selling price stated above.

Signature of purchaser \_\_\_\_\_

Date \_\_\_\_\_

Signature of seller \_\_\_\_\_

Date \_\_\_\_\_

Appendix D: Table of freight allowance rates for trucks from places of manufacture to States and parts of States nearest specified cities.

PLACE OF MANUFACTURE AND MAKE OF TRUCKS  
(Rates in cents per 100 pounds)

States and part of state nearest specified cities	Butler, Pa.	Ardmore, Pa.	Cortland, N. Y.	Flint, Mich.	Chicago, Ill.	Detroit, Mich.	Dearborn, Mich.	Appleton, Wis.	Penns., Mich.	Springfield, Ill.	Allentown, Pa.	Lancaster, Pa.	Mt. Vernon, Pa.	Buffalo, N. Y.	South Bend, Ind.	Cleveland, Ohio	Toledo, Ohio
	American Bantam, Austin	Auto-car	Brace-way	Chevrolet	Diamond T	Dodge, Dodge, Federal, Hudson, Plymouth, Terraplane	Ford	Four Wheel Drive	General Motors	International	Mack	Reo	Starling	Starling	Studebaker	Indian, White	Willys
Alabama:																	
Birmingham	187	195	215	186	167	181	181	192	189	161	193	178	175	169	163	179	170
Mobile	224	211	239	220	193	215	215	222	217	195	211	214	201	229	193	213	207
Arizona:																	
455	497	497	434	414	434	434	434	414	434	421	437	424	414	435	421	435	434
Arkansas:																	
Little Rock	200	237	225	195	166	189	189	193	189	174	197	185	177	199	171	199	194
Fort Smith	218	238	244	208	185	209	209	203	203	194	203	199	193	209	199	203	195
California:																	
512	523	523	501	487	487	501	501	487	487	481	481	481	481	512	501	512	501
Colorado:																	
282	320	304	294	294	294	294	294	294	294	294	294	294	294	294	294	294	294
Connecticut:																	
103	81	83	121	142	117	117	117	117	117	117	117	117	117	117	117	117	117
Delaware:																	
89	44	84	124	133	117	117	117	117	117	117	117	117	117	117	117	117	117
Florida:																	
Tallahassee	211	187	213	225	209	218	218	229	223	187	187	187	187	221	209	218	213
Miami	262	240	267	293	283	287	287	310	291	225	225	225	225	225	225	225	225
Georgia:																	
Atlanta	195	174	200	186	179	179	179	203	191	163	174	181	187	201	174	177	172
Savannah	187	162	193	217	215	215	215	214	214	182	182	182	182	214	213	214	212
Idaho:																	
Boise	512	523	523	501	483	501	501	417	501	461	461	461	461	512	501	512	501
Pocatello	319	433	418	373	348	370	370	371	370	373	373	373	373	411	373	373	373
Illinois:																	
Springfield	111	145	130	94	67	64	64	63	67	89	115	83	83	115	84	89	83
Chicago	99	138	117	77	73	73	73	73	73	73	103	63	63	103	60	83	74
Indiana:																	
Indianapolis	80	127	113	83	67	73	73	64	64	69	127	77	77	69	62	82	71
Fort Wayne	83	122	104	67	62	62	62	62	62	62	122	69	69	69	62	67	62
Gary	99	133	117	77	31	78	78	73	73	73	103	63	63	103	60	83	74
Iowa:																	
Sioux City	181	214	196	162	133	162	162	187	162	162	214	173	171	181	144	163	153
Cedar Rapids	137	167	150	115	85	115	115	68	115	114	167	111	111	111	69	122	111
Kansas:																	
Kansas City	167	204	188	151	122	151	151	167	151	167	204	147	147	167	130	153	143
Wichita	212	248	232	185	170	185	185	185	185	185	212	173	173	212	173	185	185
Kentucky:																	
Frankfort	103	141	137	106	63	101	101	103	101	85	141	101	101	101	91	100	93
Louisville	97	131	120	93	82	83	83	83	83	83	131	83	83	83	77	83	82
Louisiana:																	
232	251	253	227	201	223	223	223	223	223	223	223	223	223	223	223	223	223
Maine:																	
Augusta	140	169	169	145	140	143	143	153	145	145	169	147	147	147	143	143	143
Portland	127	97	97	139	149	123	123	121	123	123	123	123	123	123	123	123	123
Maryland:																	
Baltimore	83	56	86	119	131	112	112	109	114	104	63	110	107	61	121	65	112
Cumberland	65	77	83	99	113	99	99	103	103	83	63	109	119	69	104	73	99
Massachusetts:																	
118	85	91	123	144	122	122	122	123	123	131	83	109	119	144	123	114	122
Michigan:																	
Detroit	82	115	90	45	78	31	31	67	67	111	59	73	73	74	67	63	43
Grand Rapids	93	131	104	54	63	63	63	67	67	111	59	73	73	74	67	63	43
Minnesota:																	
163	203	178	141	123	141	141	141	141	141	141	141	141	141	141	141	141	141
Mississippi:																	
Jackson	206	222	220	202	175	197	197	222	222	199	222	199	199	218	199	200	192
Missouri:																	
Kansas City	167	204	188	151	122	151	151	167	151	167	204	147	147	167	130	153	143
St. Louis	117	150	136	104	78	101	101	69	101	69	150	69	69	123	86	109	97
Montana:																	
Butte	286	431	403	353	336	360	360	360	360	360	431	360	360	360	360	360	360
Billings	343	487	459	411	394	411	411	411	411	411	487	411	411	411	411	411	411
Nebraska:																	
182	219	201	164	137	164	164	164	182	164	162	219	161	161	161	147	171	171
Nevada:																	
Reno	455	497	497	434	414	424	424	414	424	424	497	424	424	424	424	424	424
Las Vegas	512	523	523	501	487	501	501	487	487	501	523	501	501	512	501	512	501
New Hampshire:																	
123	91	90	123	144	122	122	122	123	123	131	91	123	123	123	123	123	123
New Jersey:																	
93	44	76	129	139	115	115	115	115	115	115	44	48	48	123	142	120	115
New Mexico:																	
377	410	392	339	282	339	339	339	339	339	339	410	339	339	339	339	339	339
New York:																	
Buffalo	67	94	65	77	103	74	74	114	77	83	83	83	83	123	17	67	83
New York City	97	54	77	121	142	115	115	121	121	129	49	124	124	124	133	109	115
North Carolina:																	
Charlotte	145	137	162	170	178	163	163	203	167	147	157	159	159	159	159	144	153
Winston-Salem	128	120	145	170	159	143	143	157	157	123	129	153	157	145	153	139	139
North Dakota:																	
Bismarck	252	289	264	224	208	224	224	122	224	224	233	229	229	229	217	219	227
Fargo	213	250	217	184	163	184	184	145	184	184	214	151	157	211	177	209	157
Ohio:																	
Cleveland	60	100	88	71	86	65	65	109	67	63	109	71	69	67	77	71	64
Cincinnati	82	119	109	82	82	77	77	103	75	43	119	69	69	69	69	75	63
Oklahoma:																	
227	263	281	202	187	211	211	211	227	211	227	263	211	211	211	211	211	211
Oregon:																	
512	523	523	501	487	501	501	501	487	487	501	523	501	501	512	501	512	501
Pennsylvania:																	
Erie	51	95	77	83	97	77	77	118	82	77	63	83	83	104	40	83	71
Philadelphia	88	31	78	119	139	115	115	122	119	112	40	122	122	122	122	122	115
Rhode Island:																	
118	83	89	123	144	122	122	122	123	123	131	83	123	123	144	101	109	122
South Carolina:																	
Charleston	176	151	150	206	212	193	193	237	224	193	191	191	191	213	193	179	171
Greenville	176	151	150	186	184	179	179	213	184	161	161	161	161	193	163	174	171
South Dakota:																	

## PLACE OF MANUFACTURE AND MAKE OF TRUCKS—Continued

[Rates in cents per 100 pounds]

States and part of state nearest specified cities	Butler, Pa.	Ardmore, Pa.	Cortland, N. Y.	Flint, Mich.	Chicago, Ill.	Detroit, Mich.	Dearborn, Mich.	Appleton, Wis.	Pontiac, Mich.	Springfield, Ohio	Allen-town, Pa.	Lansing, Mich.	Milwaukee, Wis.	Buffalo, N. Y.	South Bend, Ind.	Cleveland, Ohio	Toledo, Ohio
	American-Bantam, Austin	Auto-car	Brookway	Chevrolet	Diamond T	Dirco, Dodge, Federal, Hudson, Plymouth, Terraplane	Ford	Four Wheel Drive	General Motors	International	Mack	Reo	Sterling	Stewart	Studebaker	Indiana, White.	Willys
Tennessee:																	
Nashville.....	161	190	179	150	129	146	146	153	145	127	190	142	133	166	129	143	134
Memphis.....	170	207	196	167	139	162	162	163	167	145	207	161	143	184	145	165	160
Chattanooga.....	166	175	194	167	159	161	161	184	165	139	175	165	167	177	147	163	165
Texas:																	
Fort Worth.....	258	298	284	248	222	246	246	239	246	234	298	240	223	271	228	247	241
San Antonio.....	298	337	325	292	264	287	287	283	287	273	337	282	272	307	272	288	231
Utah.....	432	471	471	413	393	413	413	393	413	413	471	413	393	432	413	432	413
Vermont.....	118	98	86	123	144	122	122	156	123	131	93	128	144	98	138	100	122
Virginia:																	
Norfolk.....	105	78	105	138	141	130	130	166	136	119	83	139	150	117	139	115	130
Roanoke.....	105	90	109	116	121	108	108	146	113	110	83	118	129	117	117	103	103
Washington.....	512	528	528	501	487	501	501	487	501	501	528	501	487	612	501	612	501
West Virginia:																	
Charleston.....	82	122	112	94	101	88	88	123	93	71	106	94	111	99	94	83	83
Wheeling.....	43	109	93	83	94	77	77	118	78	68	93	83	104	77	88	60	63
Wisconsin.....	110	145	121	78	54	83	83	59	82	91	141	73	48	107	68	97	85
Wyoming.....	283	321	310	263	247	264	264	252	261	261	321	253	216	288	247	270	269

**Effective date.** This revised regulation shall become effective August 16, 1943.

**NOTE:** All reporting and record-keeping requirements of this revised regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 10th day of August 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-12962; Filed, August 10, 1943; 10:39 a. m.]

**PART 1499—COMMODITIES AND SERVICES**  
[Rev. SR 14, to GMPR, Amdt. 15]

**SOLDER AND BABBITT METAL CONTAINING SILVER**

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Section 5.2 of Revised Supplementary Regulation 14 is amended to read as follows:

**SEC. 5.2 Solder and babbitt metal containing silver—(a) Maximum prices.** The seller's maximum price for any tin base, lead base or tin-lead base solder or any babbitt metal containing silver shall be the maximum price for such commodity as determined in accordance with § 1499.2 of the General Maximum Price Regulation, plus 9.634 cents per fine troy ounce of foreign silver contained, or plus 36.125 cents per fine troy ounce of domestic or Treasury silver contained.

**(b) Definitions.** (1) "Domestic silver" means silver mined subsequent to July 1, 1939, from natural deposits in the United States or any place subject to the jurisdiction thereof.

(2) "Treasury silver" means silver sold by the United States Treasury De-

partment pursuant to an Act approved July 12, 1943, entitled "An Act To Authorize The Use For War Purposes of Silver Held Or Owned By The United States, (Pub. Law 137, 78th Cong.).

(3) "Foreign silver" means any silver other than domestic or Treasury silver, as defined above.

(4) "Solder containing silver" means any tin base, lead base or tin-lead base solder containing silver in the amount of 6% or less.

(c) When solder or babbitt metal shall be deemed to contain domestic or Treasury silver. Solder or babbitt metal shall be deemed to contain domestic or Treasury silver only if the following conditions are met:

(1) The seller must certify to the buyer that the solder or babbitt metal contains domestic or Treasury silver. This certification should be on or attached to the invoice.

(2) The aggregate fine silver content of the solder or babbitt metal sold plus the fine silver content of all other commodities sold by the seller at the higher prices permitted by the Office of Price Administration for commodities containing domestic or Treasury silver must not, at any time, exceed the aggregate quantity of domestic or Treasury silver purchased by the seller and not otherwise disposed of.

(d) **Records.** In every case in which solder or babbitt metal is sold as containing domestic or Treasury silver the buyer shall retain the invoice and certificate, and the seller shall retain copies of these, for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

This amendment shall become effective August 10, 1943.

**NOTE:** All reporting and record keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of August 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-12963; Filed, August 10, 1943; 10:38 a. m.]

**Notices**

**DEPARTMENT OF THE INTERIOR.**

**Bituminous Coal Division.**

[Docket No. B-38]

**MARION COUNTY COAL MINING CORPORATION, INC.**

**ORDER DISMISSING PROCEEDING**

This proceeding was instituted upon a complaint duly filed on September 18, 1941, with the Bituminous Coal Division pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 by the Bituminous Coal Producers Board for District No. 10 against code member, Marion County Coal Mining Corporation, Inc., a corporation, operating the Glenridge Mine (Mine Index No. 58), in District 10, located in Marion County, Illinois. The complaint alleged that code member willfully violated the provisions of the Bituminous Coal Code and the Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck, and prayed appropriate relief.

Pursuant to appropriate orders, and after due notice to interested persons, this matter came on for hearing before Joseph D. Dermody, a duly designated Examiner of the Division, at a hearing room thereof in Centralia, Illinois, on December 12, 1941. Interested persons were afforded an opportunity to be pres-

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 8 F.R. 9787, 9880.



ent, adduce evidence, cross-examine witnesses, and otherwise be heard. Appearances were entered for code member and for District Board 10. At the conclusion of the hearing, all parties waived the preparation and filing of a Report by the Examiner, and the matter was thereupon submitted to me for my consideration.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m. August 24, 1943, any order which might be issued requiring code member to cease and desist from further violations of the Act and Code or any order revoking code membership will become inoperative after that date. Proceedings not finally decided at that time will become moot. In these circumstances it would seem inadvisable to determine the issues on the merits. The proceeding should be dismissed.

*It is so ordered.*

Dated: August 5, 1943.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 43-12311; Filed, August 9, 1943;  
12:07 p. m.]

[Docket No. B-332]

FRANK YASBEZ

MEMORANDUM OPINION AND ORDER TO CEASE  
AND DESIST

On May 7, 1943, after notice and hearing Charles O. Fowler, a duly designated Examiner of the Division, submitted a Report in which he found that code member, Frank Yasbez, operating Frank's #2 Mine, Mine Index No. 504, in District 17, wilfully violated the Order in General Docket No. 19, dated October 9, 1940, by selling and delivering from December 12, 1941 to March 27, 1942, inclusive, 170 tons of  $1\frac{1}{2}$ " x  $\frac{1}{2}$ " slack coal at a delivered price of \$2.50 per net ton, whereas no minimum price had been established therefor. He also found that the delivered price at which said coal was sold was less than the effective minimum price for like coal established for other mines in the vicinity.

The Examiner recommended that the code membership of Frank Yasbez be revoked and that he be required to pay a tax in the amount of \$208.94, as a condition of reinstatement of his membership in the code pursuant to section 5 (c) of the Act.

An opportunity was afforded to all parties to file exceptions to the Examiner's Report. Although no formal exceptions have been filed, code member by letter reasserts his contention that the coal sold was  $1\frac{1}{2}$ " x 0 and not  $1\frac{1}{2}$ " x  $\frac{1}{2}$ " as the Examiner found. Code member also asserts that he is unable to pay the tax imposed and would be forced as an alternative to close his mine.

The precise size of the coal does not clearly appear from the record. The evidence does establish, as the Examiner found, that code member shipped slightly more than 170 tons of coal, as alleged in the complaint. Irrespective of the exact size of the coal shipped, the record shows that no prices, either temporary or final had been established for coals produced at code member's mine. Accordingly, I agree with the Examiner's conclusions that the coal was sold in

violation of the Order of the Director, dated October 9, 1940 in General Docket No. 19. I believe that the violation must be held wilful within the meaning of the Act.

The Examiner recommended the entry of an order revoking code membership. My own reading of the record leads me to believe that an order requiring code member to cease and desist from further violations is more appropriate. It appears that code member and his daughter, Villet, were confused with respect to the requirements of the Division which governed code members' operations. There is a suggestion in the record that code member believed that because some of the coal was of inferior quality, it could be sold even though no prices had been established for it. Although code member acknowledged that he "probably" received a copy of the order in General Docket No. 19, which was shown to have been mailed to him, he did not appear fully to understand its provisions. He also seems to have been under the impression that it was necessary first to have an analysis of coal taken before minimum prices could be established. In view of these facts, the nature of the violation, and the tonnage involved, I believe that the purpose of the Act will be adequately effectuated by the entry of a cease and desist order. Consistent with the above, the Report of the Examiner should be approved and adopted.

Upon the basis of the proposed findings of fact, the proposed conclusions of law and recommendation set forth in the Report, and upon the entire record in this proceeding

*It is hereby ordered*, That the proposed findings of fact and the proposed conclusions of law of the Examiner are approved and adopted as the findings of fact and conclusions of law of the Director, except as herein modified.

*It is further ordered*, That Frank Yasbez, code member, operating Frank's #2 Mine, Mine Index No. 504, in Subdistrict 10 of District 17, his agents, employees, representatives, successors and assigns, and all persons acting or claiming to act on his behalf and interest, cease and desist from violating the Act, the Code, the Order in General Docket No. 19, dated October 9, 1940, or orders, rules and regulations thereunder.

Notice is hereby given that upon failure or refusal to comply with this order, the Division may apply to a United States Circuit Court of Appeals for enforcement thereof or may otherwise proceed as authorized by the Act.

Dated: August 5, 1943.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 43-12312; Filed, August 9, 1943;  
12:07 p. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. G-404, G-352, G-325, G-404]

KANSAS-NEBRASKA NATURAL GAS COMPANY,  
INC.

ORDER INSTITUTING INVESTIGATION, CONSOLIDATING CERTAIN PROCEEDINGS, AND SETTING A HEARING THEREON

AUGUST 4, 1943..

In the matters of Kansas-Nebraska Natural Gas Company, Inc., G-404; The

Fin-Ker Oil & Gas Production Company (of Kansas), G-352; The Tri-County Gas Company (of Kansas), G-325; Kansas Natural Gas Inc., G-404.

It appearing to the Commission that:

(a) Kansas-Nebraska Natural Gas Company, Inc., filed an application on June 11, 1943 (which application was in lieu of and in substitution for an application upon the same subject matter filed by the same corporation on April 13, 1943) seeking a certificate of public convenience and necessity under section 7 of the Natural Gas Act, as amended, for authority to construct and operate certain facilities for the transportation of natural gas in interstate commerce and for the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or other uses, which application was received by the Commission and designated Docket No. G-404;

(b) At a public hearing held on June 22 and 23, 1943, pursuant to order entered in said proceeding, Docket No. G-404, on June 1, 1943, it was developed that Kansas-Nebraska Natural Gas Company, Inc., has heretofore constructed and now operates a certain 500 h. p. compressing station at or near Holcomb, Finney County, Kansas, on a pipe line belonging to The Tri-County Gas Company (of Kansas) running from a point at or near Holcomb, Finney County, Kansas, northwardly to a point at or near Scott City, Scott County, Kansas, at or near which point connection is made between the said line and the "main 8 inch transmission line" of Kansas-Nebraska Natural Gas Company, Inc., and that Kansas-Nebraska Natural Gas Company, Inc., and The Tri-County Gas Company (of Kansas) operate said Holcomb-to-Scott City line jointly for the transportation and sale of natural gas in interstate commerce;

(c) Kansas-Nebraska Natural Gas Company, Inc., has neither sought nor received authorization from this Commission for its operations described in paragraph (b) above;

(d) At the said public hearing, it was impossible to adequately and fully develop the facts, conditions, practices or matters as well as the relations (operating, financial, contractual or other) between and among Kansas-Nebraska Natural Gas Company, Inc., The Tri-County Gas Company (of Kansas), The Fin-Ker Oil & Gas Production Company (of Kansas), and Kansas Natural Gas Inc., and such other, if any there be, companies involved in the operations described in paragraph (b) above;

(e) The Fin-Ker Oil & Gas Production Company (of Kansas), a corporation of the State of Kansas, with its principal office and place of business located at Holcomb, Kansas, on May 8, 1942, filed an application with this Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, with, however, a claim and assertion that it is exempt from any and all provisions of the Natural Gas Act, as amended, which application was received by the Commission and designated Docket No. G-352;

(f) From the May 8, 1942, application of The Fin-Ker Oil & Gas Production

Company (of Kansas), the Company may be a natural-gas company within the meaning of the Natural Gas Act, as amended;

(g) The Tri-County Gas Company (of Kansas), a corporation of the State of Kansas, with its principal office and place of business located at Holcomb, Kansas, on May 8, 1942, filed an application with this Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, with, however, a denial that it is a natural-gas company within the meaning of the Natural Gas Act, as amended, and an assertion that the Company is not subject to the said Act, as amended, which application was received by the Commission and designated Docket No. G-325;

(h) From the May 8, 1942, application of The Tri-County Gas Company (of Kansas) and the operations described in paragraph (b) above the Company may be a natural-gas company within the meaning of the Natural Gas Act, as amended;

(i) Kansas Natural Gas Inc., First National Bank Building, Hays, Kansas, is a party to certain contracts with The Fin-Ker Oil & Gas Production Company (of Kansas), The Tri-County Gas Company (of Kansas), and Kansas-Nebraska Natural Gas Company, Inc., involving purchases and sales in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or other uses, and, therefore, may be a natural-gas company within the meaning of the Natural Gas Act, as amended;

The Commission finds that:

(1) It is necessary and appropriate, in the public interest, to carry out and aid in the enforcement of the provisions of the Natural Gas Act, as amended, that an investigation be instituted by the Commission, as hereinafter provided, into the facts, conditions, practices and matters herein referred to, and to determine:

(i) Whether Kansas-Nebraska Natural Gas Company, Inc., should be required to amend its presently pending application filed June 11, 1943, to include therein its operations and joint operations described in paragraph (b) above;

(ii) The operating, contractual, financial, or other relationships, if any, of, between, and among Kansas-Nebraska Natural Gas Company, Inc., The Fin-Ker Oil & Gas Production Company (of Kansas), The Tri-County Gas Company (of Kansas) and Kansas Natural Gas Inc.;

(iii) Whether The Fin-Ker Oil & Gas Production Company (of Kansas) is a natural-gas company within the meaning of the Natural Gas Act, as amended, and should be granted, pursuant to section 7 thereof, a certificate of public convenience and necessity upon its application heretofore filed on May 8, 1942;

(iv) Whether the Tri-County Gas Company (of Kansas) is a natural-gas company within the meaning of the Natural Gas Act, as amended, and should be granted, pursuant to section 7 thereof, a certificate of public convenience and necessity upon its application heretofore filed on May 8, 1942;

(v) Whether Kansas Natural Gas Inc., is a natural-gas company within the meaning of the Natural Gas Act, as amended, and should be required to obtain a certificate of

public convenience and necessity under section 7 thereof;

Wherefore, the Commission orders that:

(A) The record in Kansas-Nebraska Natural Gas Company, Inc., Docket No. G-464, heretofore closed on June 23, 1943, is hereby reopened for the purposes of consolidation with the other and related proceedings herein mentioned, and for the taking of additional evidence and testimony as set out in paragraphs (C), (D), and (H) below, and upon such other matters involved and issues as are presented in the proceeding;

(B) The proceedings and matters in The Tri-County Gas Company (of Kansas), Docket No. G-325; The Fin-Ker Oil & Gas Production Company (of Kansas), Docket No. G-352; Kansas-Nebraska Natural Gas Company, Inc., Docket No. G-464; and a new proceeding instituted as hereinafter provided, Kansas Natural Gas Inc., Docket No. G-494, be and hereby are consolidated for the purposes of investigation and public hearing;

(C) Said public hearing shall be held commencing October 6, 1943, at 9:45 a. m., in U. S. District Court Room, Post Office and Court House Building, Topeka, Kansas, respecting the matters involved and the issues presented in these proceedings;

(D) Kansas-Nebraska Natural Gas Company, Inc., appear at said public hearing and there introduce proper, relevant, and material evidence of its facilities, sales and operations to the extent necessary for a determination by the Commission of whether or not the Commission should require said Company to amend its presently pending application of June 11, 1943, to include therein the operation by the said Company of the Holcomb compressing station and the joint operation by the Company with The Tri-County Gas Company (of Kansas) of the "Holcomb-Scott City" pipe line in the manner more fully described in paragraph (b) above;

(E) The Fin-Ker Oil & Gas Production Company (of Kansas) appear at said public hearing and there introduce proper, relevant, and material evidence of its facilities, sales, and operations to the extent necessary and appropriate for a determination by the Commission of whether or not the Company is a natural-gas company within the meaning of the Natural Gas Act, as amended, and should be granted a certificate of public convenience and necessity upon its May 8, 1942, application;

(F) The Tri-County Gas Company (of Kansas) appear at said public hearing and there introduce proper, relevant, and material evidence of its facilities, sales, and operations to the extent necessary and appropriate for a determination by the Commission of whether or not the Company is a natural-gas company within the meaning of the Natural Gas Act, as amended, and should be granted a certificate of public convenience and necessity upon its May 8, 1942, application;

(G) An investigation be and it hereby is instituted into the aforesaid Kansas Natural Gas Inc., Docket No. G-494, and

the said Kansas Natural Gas Inc., shall appear at said public hearing and there introduce proper, relevant and material evidence of its facilities, sales, and operations to the extent necessary and appropriate for a determination by the Commission of whether or not the corporation is a natural-gas company within the meaning of the Natural Gas Act, as amended, and should not be, therefore, required to file an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended;

(H) The showing to be made, as provided in paragraphs (D) to (G), inclusive, above, shall include a showing of the operating, contractual, and financial relationships, if any, of the companies with each other, and with any other company that may be subject to the jurisdiction of the Commission under the Natural Gas Act, as amended;

(I) The hearing shall also be held for the purpose of affording to said companies an opportunity to be heard with respect to all matters hereinabove referred to, and for the purpose of investigating and determining the facts and circumstances surrounding such matters;

(J) Interested State commissions may participate in this proceeding, as provided in § 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

[SEAL]

J. H. GUTRIDE,  
Acting Secretary.

[F. R. Doc. 43-12954; Filed, August 10, 1943;  
9:59 a. m.]

## OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 1640]

### GERMAN AMERICAN BUND

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that the German American Bund is an unincorporated national association organized and doing business within the United States;

2. Finding that the National Socialist Party (National Sozialistische Partei) located in Germany is composed of nationals of Germany and is a national of a designated enemy country (Germany);

3. Finding that the German American Bund since April 10, 1940 was or has been controlled by the National Socialist Party and the German Government;

4. Finding that the German American Bund is controlled by or acts for or on behalf of the National Socialist Party and a designated enemy country (Germany) and is therefore a national of the aforesaid designated enemy country (Germany);

5. Finding that the property described as follows:

All property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to the German American Bund,

is property of a business enterprise within the United States which is a national of the aforesaid designated enemy country (Germany);

6. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

7. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

8. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 5 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 10, 1943.

[SEAL]

LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-12935; Filed, August 10, 1943;  
9:41 a. m.]

[Vesting Order 1764]

IWATA TRADING CO.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that the following named persons whose last known addresses are indicated opposite their names are nationals of a designated enemy country (Japan);

Names:	Last known addresses
Toshiro Iwata.....	Japan.
Ryuzo Iwata.....	Japan.
Toshiko Iwata.....	Japan.
K. Iwata.....	Japan.
T. Koreyeda.....	Japan.
Ichiji Iwata.....	Japan.

2. Finding that Iwata Trading Company is a corporation organized and doing business under the laws of the State of California and is a business enterprise within the United States;

3. Finding that 2,751 shares of \$25 par value common capital stock of Iwata Trading Company are registered in the names of the persons listed below in the number appearing opposite each name:

Names:	Number of shares
Toshiro Iwata.....	2,239
Ryuzo Iwata.....	50
Toshiko Iwata.....	50
K. Iwata.....	300
Ichiji Iwata.....	83
T. Koreyeda.....	53
Total.....	2,751

4. Finding that said 2,751 shares constitute a substantial part (namely, 62.75%) of all of the issued and outstanding capital stock and represent control of Iwata Trading Company;

5. Determining, therefore, that Iwata Trading Company is a national of a designated enemy country (Japan);

6. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Japan);

7. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

8. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the 2,751 shares of stock described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on July 8, 1943.

[SEAL]

LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-12935; Filed, August 10, 1943;  
9:41 a. m.]

[Vesting Order 1821]

FISHING NETS OWNED BY GISABURO MATSUNO

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Gisaburo Matsuno, who has been interned as a potentially dangerous alien enemy, is a citizen of Japan, and is, therefore, a national of a designated enemy country (Japan);

2. That Gisaburo Matsuno is the owner of the property described below;

3. That the property described as follows:

Certain fishing nets consisting of one tuna net, one mackerel net, four scoop rings and some odd pieces of nets, stored at the Crescent Storage Company, Terminal Island, San Pedro, California, in the name of Kiyoshi Matsuno.

is property within the United States owned or controlled by a national of a designated enemy country (Japan);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances, and other rights of record held by or for persons other than Gisaburo Matsuno, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This Order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this Order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this Order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall

have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on July 15, 1943.

[SEAL]

LEO T. CROWLEY,  
*Alien Property Custodian.*

[F. R. Doc. 43-12937; Filed, August 10, 1943;  
9:42 a. m.]

[Vesting Order 1824]

MOTOSHIGE SHOTEN, LTD.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that the persons named below, whose last known addresses are set forth opposite their names, are subjects of Japan and are nationals of a designated enemy country (Japan):

Names:	Last known addresses
Wasuke Motoshige.....	Tokyo, Japan.
Yoshiyuke Motoshige.....	Tokyo, Japan.
Yaeko Motoshige.....	Tokyo, Japan.
Motol Motoshige.....	Tokyo, Japan.
Selzo Yamamoto.....	Tokyo, Japan.

2. Finding that Motoshige Shoten, Ltd. is a corporation organized and doing business under the laws of the Territory of Hawaii, and is a business enterprise within the United States;

3. Finding that 2,750 shares of \$20 par value capital stock of Motoshige Shoten, Ltd. are registered in the names of the persons listed below in the number appearing opposite each name:

Names:	Number of shares
Wasuke Motoshige.....	2,000
Yoshiyuke Motoshige.....	60
Yaeko Motoshige.....	65
Motol Motoshige.....	125
Selzo Yamamoto.....	500

Total..... 2,750

4. Finding that said 2,750 shares constitute a substantial part (namely, 91.67%) of all the issued and outstanding capital stock of Motoshige Shoten, Ltd. and are evidence of control of Motoshige Shoten, Ltd.;

5. Determining, therefore, that Motoshige Shoten, Ltd. is a national of a designated enemy country (Japan);

6. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Japan);

7. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

8. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the 2,750 shares of stock described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall

not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on July 17, 1943.

[SEAL]

LEO T. CROWLEY,  
*Alien Property Custodian.*

[F. R. Doc. 43-12938; Filed, August 10, 1943;  
9:41 a. m.]

[Vesting Order 1907]

ESTATE OF MAX ADLER

In re: Estate of Max Adler, deceased: File D-28-1751; E. T. sec. 892.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Carl Siebert, 308 North 110th Street, Milwaukee, Wisconsin, Executor, acting under the judicial supervision of the County Court of the State of Wisconsin, in and for the County of Milwaukee;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	Last known address
Herbert Siebert.....	Berlin-Teger Hampstr. 28, Germany.
Elsie Siebert.....	Berlin-Teger Hampstr. 28, Germany.

Person or persons, names unknown, heirs, next of kin, devisees, legatees, distributees, personal representatives, administrators, executors, assigns and children of Herbert Siebert and Elsie Siebert.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and

certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Herbert Siebert, Elsie Siebert and person or persons, names unknown, heirs, next of kin, devisees, legatees, distributees, personal representatives, administrators, executors, assigns and children of Herbert Siebert and Elsie Siebert, and each of them, in and to the estate of Max Adler, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL]

LEO T. CROWLEY,  
*Alien Property Custodian.*

[F. R. Doc. 43-12939; Filed, August 10, 1943;  
9:36 a. m.]

[Vesting Order 1908]

JOHN F. GOETJEN, WILHELMINA KAHRS VS.  
META KATHERINA ALPERS

In re: Receivership Proceedings: John F. Goetjen and Wilhelmina Kahrs, plaintiffs vs. Meta Katherina Alpers, defendant; File D-28-4681; E.T. sec. 1300.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property in the process of administration by G. E. Wilson, receiver, acting under the judicial supervision of the District Court of Edwards County, Kansas;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	Last known address
Meta Katherina Alpers, or her heirs, executors, administrators, devisees, trustees and assigns, names unknown.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Meta Katherina Alpers, or her heirs, executors, administrators, devisees, trustees and assigns, names unknown, and each of them, in and to the receivership estate in the possession of G. E. Wilson, receiver, in the above entitled receivership proceedings,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-12940; Filed, August 10, 1943;  
9:36 a. m.]

[Vesting Order 1910]

JOHN F. GOETJEN VS. WILHELMINA KAHRs,  
META KATHERINA ALPERS

In re: Partition Proceedings: John F. Goetjen, plaintiff vs. Wilhelmina Kahrs, and Meta Katherina Alpers, if living, and, if dead, then the unknown heirs, executors, administrators, devisees, trustees and assigns of the said Meta Katherina Alpers, defendants; File D-28-4681; E. T. sec. 1300.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is involved in

partition proceedings in the District Court of Edwards County, Kansas, entitled, John F. Goetjen, Plaintiff vs. Wilhelmina Kahrs, and Meta Katherina Alpers, if living, and, if dead, then the unknown heirs, executors, administrators, devisees, trustees and assigns of the said Meta Katherina Alpers, Defendants;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals: Last known address  
Meta Katherina Alpers, or her heirs, executors, administrators, devisees, trustees and assigns, names unknown. -Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Meta Katherina Alpers, or her heirs, executors, administrators, devisees, trustees and assigns, names unknown, and each of them in and to the proceeds from the sale of the real property involved in the above partition proceedings,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-12941; Filed, August 10, 1943;  
9:39 a. m.]

[Vesting Order 1911]

ESTATE OF ALFREDO CERUTTI

In re: Estate of Alfredo Cerutti, also known as Alfredo Cerutti, incompetent, File F-38-4617; E. T. sec. 509.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Maurice Josephberg, Giuseppe Glavani and Lorenzo Bonfantini as committee of the property of Alfredo Cerutti, also known as Alfredo Cerutti, an incompetent person, acting under the judicial supervision of the Supreme Court of the State of New York, New York County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National: Last known address  
Alfredo Cerutti, also known as Alfredo Italy. Cerutti.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All the property and estate of Alfredo Cerutti, also known as Alfredo Cerutti of any nature whatsoever in the possession of Maurice Josephberg, Giuseppe Glavani and Lorenzo Bonfantini as Committee of the property of Alfredo Cerutti, also known as Alfredo Cerutti an incompetent person.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-12942; Filed, August 10, 1943;  
9:39 a. m.]



[Vesting Order 1912]

## ESTATE OF ALBA COLAINTA

In re: Guardianship estate of Alba Colainta, also known as Harba Colainta; File D-38-545; E. T. sec. 5886.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

## Finding that—

(1) The property and interests herein-after described are property which is in the process of administration by the National Bank of Fayette County, Successor Guardian, acting under the judicial supervision of the Orphans' Court of Fayette County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

*Last known address*

National:

Alba Colainta, also known as Harba Colainta.

## And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All the property and estate of Alba Colainta, also known as Harba Colainta, of any nature whatsoever in the possession of the National Bank of Fayette County, as Successor Guardian of the estate of Alba Colainta, also known as Harba Colainta.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-12943; Filed, August 10, 1943; 9:39 a. m.]

[Vesting Order 1913]

## ESTATE OF JOSEPH COLAINTA

In re: Guardianship estate of Joseph Colainta; File D-38-547; E. T. sec. 5888.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

## Finding that—

(1) The property and interests herein-after described are property which is in the process of administration by the National Bank of Fayette County, Successor Guardian, acting under the judicial supervision of the Orphans' Court of Fayette County, Pennsylvania; and

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

*Last known address*

Joseph Colainta----- Italy.

## And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All the property and estate of Joseph Colainta, of any nature whatsoever in the possession of the National Bank of Fayette County, as Successor Guardian of the estate of Joseph Colainta,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-12944; Filed, August 10, 1943; 9:39 a. m.]

[Vesting Order 1914]

## ESTATE OF HERMAN CROHN

In re: Estate of Herman Crohn, deceased; File D-28-2153; E. T. sec. 2732.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

## Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by National Bank of Commerce in Memphis, Executor, acting under the judicial supervision of the Probate Court of Shelby County, Tennessee;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

*Last known address*

National:

Dr. Siegfried (Seigfried) Crohn- Germany.

## And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Dr. Siegfried (Seigfried) Crohn in and to the Estate of Herman Crohn, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-12945; Filed, August 10, 1943; 9:39 a. m.]

[Vesting Order 1915]

## ESTATE OF PASQUALE DECORLETO

In re: Estate of Pasquale DeCorleto, deceased, File No. D-38-1694; E. T. sec. 5109.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation:

## Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Vincent Ierardi, as administrator acting under the judicial supervision of the Court of Probate, District of Hartford, State of Connecticut; and

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Italy, namely,

Nationals	Last known address
Joseph DeCorleto	Italy.
Rose DeCorleto	Italy.

## And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests;

All right, title, interest and claim of any kind or character whatsoever of Joseph DeCorleto and Rose DeCorleto, and each of them, in and to the estate of Pasquale DeCorleto, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all the proceeds thereof shall be held in a special appropriate account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country", as used herein, shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL]

LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-12946; Filed, August 10, 1943; 9:40 a. m.]

[Vesting Order 1916]

## ESTATE OF JOHANNA C. DOSCHER

In re: Estate of Johanna C. Doscher, deceased; D-28-2164; E. T. sec. 2801.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

## Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Ethel S. Jones and F. W. Van Camp, Executors, acting under the judicial supervision of the Superior Court of Mecklenburg County, North Carolina,

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	Last known address
Agnes Sebeck	Germany.
Hanna Dickman	Germany.
T. Kleen	Germany.
Meta Renken, formerly Folkman.	Germany.
The Public School of Nasse Bx.	Germany.

## And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Agnes Sebeck, Hanna Dickman, T. Kleen, Meta Renken, formerly Folkman and The Public School of Nasse Bx., and each of them, in and to the Estate of Johanna C. Doscher, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL]

LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-12947; Filed, August 10, 1943; 9:40 a. m.]

[Vesting Order 1917]

## ESTATE OF GOTTLIEB F. ESTERLE

In re: Estate of Gottlieb F. Esterle, deceased; File D-28-3640; E.T. sec. 5920.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

## Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Elsie K. Esterle, Executrix, acting under the judicial supervision of the Superior Court of the State of Washington for King County;

(2) Such property and interests are payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely,

National:	Last known address
Pauline Esterle (Esterle)	Germany.

## And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Pauline Esterle (Esterle) in and to the Estate of Gottlieb F. Esterle, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall

have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-12948; Filed, August 10, 1943;  
9:40 a. m.]

[Vesting Order 1918]

ESTATE AND TRUST UNDER WILL OF ELIZABETH W. GARRETT

In re: Estate of and Trust under will of Elizabeth W. Garrett, deceased; file D-38-1056; E. T. sec 2844.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Provident Trust Company of Philadelphia, Executor and Trustee, acting under the judicial supervision of Orphans' Court of Philadelphia County, Philadelphia, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

*Last known address*

National:  
Irene Calenda Beraud..... Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Irene Calenda Beraud in and to the estate of Elizabeth W. Garrett, deceased, and in and to the Trust Estate created under the Last Will and Testament of Elizabeth W. Garrett, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on

Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-12949; Filed, August 10, 1943;  
9:40 a. m.]

[Vesting Order 1919]

ESTATE OF FERDINAND GRAWE

In re: Estate of Ferdinand Grawe, deceased; file D-28-3498; E. T. sec. 5606.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Henry P. Meyers, 6226 West Holbrook Street, Chicago, Illinois, Executor, acting under the judicial supervision of the Probate Court of the State of Illinois, in and for the County of Cook;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

*Last known address*

National:  
Herman Panzer..... Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Herman Panzer in and to the estate of Ferdinand Grawe, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together

with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-12950; Filed, August 10, 1943;  
9:40 a. m.]

[Vesting Order 1920]

ESTATE OF FRANCESCO GRIECO

In re: Estate of Francesco Grieco, deceased; File No. D-38-356; E. T. sec. 551.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Clerk of the Orphans' Court, Allegheny County, Pennsylvania, acting under the judicial supervision of the Orphans' Court, Allegheny County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely:

*Last known address*

Nationals:  
Frances Grieco..... Italy.  
Josephine Morasco..... Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Frances Grieco and Josephine Morasco, and each of them, in and to the Estate of Francesco Grieco, deceased

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any

claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated August 3, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-12951; Filed, August 10, 1943;  
9:41 a. m.]

[Vesting Order 1921]

#### ESTATE OF ANNA HOLSKEN

In re: Estate of Anna Holsken, deceased; File D-28-3518; E. T. sec. 5745.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

#### Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Cook, State of Illinois, as depository, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National: Last known address  
Maria Driever.... Kellen Hermann Goering  
Str. 34, Germany.

#### And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Maria Driever in the sum of \$445.75, which amount was deposited with the Treasurer of Cook County, Illinois, on August 13, 1941, pursuant to order of the court of July 23, 1941, to the credit of the aforesaid national,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should

be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated August 3, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-12952; Filed, August 10, 1943;  
9:41 a. m.]

[Vesting Order 1922]

#### ESTATE OF LOUISE D. KENT

In re: Estate of Louise D. Kent, deceased; File D-38-2720; E. T. sec. 7469.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

#### Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Hamilton National Bank, Administrator, acting under the judicial supervision of the United States District Court for the District of Columbia;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National: Last known address  
Carolyn di Robilant..... Italy.

#### And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Carolyn di Robilant in and to the estate of Louise D. Kent, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return

should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-12353; Filed, August 10, 1943;  
9:41 a. m.]

#### OFFICE OF PRICE ADMINISTRATION.

[Order 1 Under MPR 170]

WILLIAM S. GRAY AND COMPANY, ET AL.

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and in accordance with § 1412.13 (j) of Maximum Price Regulation No. 170, it is hereby ordered:

(a) *Maximum prices for sales of anti-freeze consisting of a mixture of 72 parts of 95 percent wood alcohol and 28 parts of 91 percent isopropyl alcohol—(1) Sales by William S. Gray and Company and other manufacturers to persons other than retailers.*

Sales in tank cars—\$54 per gallon, delivered.

Sales in drums in carload lots (containers included)—\$65 per gallon, delivered.

Sales in drums in less than carload lots (containers included)—\$63 per gallon, f. o. b. seller's shipping point.

(2) *Sales to retailers by any person.*

Sales in containers over 35 gallons—\$81 per gallon, delivered.

In the case of sales to retailers by sellers other than William S. Gray and Company and other manufacturers, transportation costs in excess of 5 cents per gallon may be charged to the buyer's account. Any such charges shall be separately stated on the invoice which shall be furnished the buyer by the seller.

(3) *Sales at retail.* Delivered, including installation in automobile cooling system where buyer so requests and where anti-freeze was customarily so installed without charge during the six month period ending March 31, 1942 by the seller or, if the seller did not sell anti-freeze during such period, by like sellers.

In quantities of one gallon or more—\$1.32 per gallon.

In quantities of less than one gallon—\$33 per quart.

(b) *Containers.* The maximum prices established by this order shall not be increased by any charges for containers. The seller may, however, require the return of containers, but in such case the

maximum prices which may be charged are the maximum prices specifically set forth in this order less \$.025 per gallon. The same deduction shall be made in those cases where the buyer furnishes drums. Transportation costs with respect to the return or furnishing of containers shall, in all cases, be borne by the seller.

(c) *Marking and posting*—(1) *By packagers*. Every person who packages anti-freeze consisting of 72 parts of 95 percent wood alcohol and 28 parts of 91 percent isopropyl alcohol in containers shall clearly and conspicuously mark on the outside of such containers or on labels securely affixed thereto the following information:

(i) The statement "A mixture of 72 parts of 95 percent wood alcohol and 28 parts of 91 percent isopropyl alcohol," or the statement "Type G."

(ii) The applicable maximum retail price, designated as follows: "OPA Retail Ceiling Price, \$1.32 per gallon or \$.33 per quart."

(2) *By retailers*. Every person selling anti-freeze subject to this order shall post the maximum price and the brand in a manner plainly visible to and understandable by the purchasing public.

This order shall become effective August 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Pub. Law 151, 78th Cong.)

Issued this 9th day of August 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-12920; Filed, August 9, 1943;  
3:26 p. m.]

#### LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC. UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on August 7, 1943.

##### Order Number and Name

Revised Supp. Reg. 1, Order 29, Gronik Incorp.  
Supp. Order 9, Order 7, Consolidated Edison Co. of New York.  
MPR 121, Order 20, Ubbink Fuel & Dock Co.  
MPR 177, Order 12, Montgomery Ward & Co.  
MPR 188, Order 554, Ludowici-Celadon Co.  
MPR 188, Order 560, Charles A. Maish Co.  
MPR 188, Order 561, Sherwin-Williams Co.  
MPR 382, Order 1, Olean Glass Co.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,  
Head, Editorial and Reference Section.

[F. R. Doc. 43-12967; Filed, August 10, 1943;  
10:38 a. m.]

#### Regional, State, and District Office Orders.

[Connecticut Order G-1 Under SR 14,  
Amdt. 1]

##### FIREWOOD IN CONNECTICUT

Amendment No. 1 to Order No. G-1 (Formerly Price Order No. 1) under Sup-

plementary Regulation 14 to General Maximum Price Regulation—Firewood.

An opinion accompanying this Amendment is issued simultaneously herewith.

Section 6 (c) of Connecticut State Order No. G-1 is amended by the addition to the list of towns included in Zone 1 the following town: New Canaan.

Sec. 5a. *Effective dates of amendments*. (a) Amendment No. 1 shall be effective as of October 30, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of October 1942.

CHESTER BOWLES,  
State Director.

[F. R. Doc. 43-12902; Filed, August 9, 1943;  
11:27 a. m.]

[Connecticut Order G-1 Under SR 14,  
Amdt. 2]

##### FIREWOOD IN CONNECTICUT

Amendment No. 2 to Connecticut State Order No. G-1 (Formerly Price Order No. 1) under Supplementary Regulation 14 to the General Maximum Price Regulation—Firewood.

An opinion accompanies this amendment.

Section 3 is amended by adding subparagraph (d), and section 5 is amended by adding subparagraph (b), to read as follows:

##### Sec. 3. *Evasion*. \* \* \*

(d) The seller shall furnish to the purchaser at the time of the delivery of firewood a receipt signed by the seller setting forth—1. The kind, size, price and number of cords of firewood sold.

2. A statement that each cord contains 128 cubic feet of compactly piled wood. If, however, such firewood is in lengths of 12", 16" or 24" the statement shall set forth that each such cord contains the quantity of wood sawed from 128 cubic feet of compactly piled wood and that each such cord contains not less than the stated minimum number of cubic feet provided therefor in this order. Where fractional parts of a cord are sold, the fractional contents shall be similarly described, computed and stated.

Sec. 5a. *Effective date of amendment*. \* \* \*

(b) Amendment No. 2 shall become effective the 27th day of January 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of January 1943.

K. B. BARKMAN,  
Regional Administrator.

[F. R. Doc. 43-12870; Filed, August 7, 1943;  
4:19 p. m.]

[Idaho Order G-4 Under Temp. MPR 28  
and 29]

##### CERTAIN FRESH VEGETABLES IN SOUTHERN IDAHO

Order No. G-4 under Temporary Maximum Price Regulations 28 and 29, as amended—Certain Perishable Fruits

and Vegetables. Unprocessed agricultural commodities. Adjustment of fresh cabbage, carrots, lettuce, peas, spinach and tomato prices for Southern Idaho.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the State Director of the State of Idaho Office of Price Administration by § 1439.253 (c) of Temporary Maximum Price Regulation 28, as amended, and § 1439.304 (c) of Temporary Maximum Price Regulation 29, as amended, and by General Order No. 32, as amended, and Delegation of Authority by the Regional Administrator of the Seventh Region, dated April 1, 1943, to the State Director of the State of Idaho, *It is hereby ordered:*

(a) The maximum prices of fresh cabbage, carrots, lettuce, peas, spinach and tomatoes sold and delivered at wholesale in southern Idaho, being that portion of Idaho lying south of the southern boundary of Idaho County, as bounded by the Laws of the State of Idaho, shall be from and after the effective date of this order, during the duration of Temporary Maximum Price Regulations 28 and 29 unless sooner modified or adjusted, as follows:

Wholesale price (Per crate)	
(1) Fresh cabbage, 80 pound crates; grade A	\$5.68
(2) Fresh carrots, 6 dozen crates (bunches with tops); grade A	4.69
(3) Fresh lettuce, 4 or 5 dozen crates (iced); grade A	6.70
(Per pound)	
(4) Fresh peas, grade A	.20
(5) (a) Fresh spinach, local; grade A	.10
(Per basket)	
(5) (b) Fresh spinach, Out-of-State: 20-23 lb. basket; grade A	2.48
(Per lug)	
(6) Fresh tomatoes, 30 lb. lug; grade A	7.04

(7) All sellers covered by this order shall maintain the customary trade price differentials for all grades lower than Grade A.

(b) A service wholesaler who during March 1942 customarily (1) charged different delivered prices for the same food products because of the areas or zones in which the deliveries were made; and (2) determined his delivered prices for each of these areas or zones by adding to the delivered prices established for retailers situated in same base area or zone, an amount approximately equal to the difference between the average cost of delivery to the retailers in the base area or zone and the average cost of delivery to the retailers in such other areas or zones, may continue to receive such amounts in addition to his maximum prices, but such amounts (hereinafter called zone differentials) must be separately stated on the wholesaler's invoices.

(c) The maximum prices of fresh cabbage, carrots, lettuce, peas, spinach and tomatoes sold and delivered at retail in southern Idaho, being that portion of Idaho lying south of the southern boundary of Idaho County, as bounded by the Laws of the State of Idaho, shall be from and after the effective date of this order, during the duration of Temporary Maximum Price Regulations 28 and 29 unless sooner modified or adjusted, the following percentage markups over net



cost according to the classification or retailer in which he falls:

(1)

Commodity	Independent retailer, annual volume (under \$250,000)	Chain retailer, annual volume (under \$250,000)	Any retailer, annual volume (over \$250,000)
Fresh cabbage.....	1.65	1.54	1.50
Fresh carrots.....	1.39	1.39	1.39
Fresh lettuce.....	1.39	1.39	1.39
Fresh peas.....	1.65	1.54	1.50
Fresh spinach.....	1.39	1.39	1.39
Fresh tomatoes.....	1.39	1.39	1.39

(2) This order applies only to those sellers at retail covered by Temporary Maximum Price Regulations 28 and 29 divided into classifications as outlined in (c) (1) above.

(3) Net cost shall in all cases be based on the unit of purchase of the retailer's largest single purchase during the preceding week of each grade and variety from his customary supplier. The retailer will find his net cost of the item he is pricing before sale. "Net cost" in this order means the amount the retailer paid for an item delivered at his customary receiving point, less all discounts allowed him except the discount for prompt payment; however, no charge or cost for local unloading or local trucking shall ever be included. "Net cost" shall be based on the retailer's most recent purchase since April 7, 1943, on a customary quantity from a customary supplier and on the customary mode of transportation. The retailer will then multiply his net cost by the percentage figures shown in (c) (1) above, which applies to a retailer of his class for the item being priced.

(4) For the purposes of this order, retailer shall determine his annual gross sales volume by reference to his filed Federal Income Tax return for the taxable year 1941, or in the event such retailer did not file a Federal Income Tax return for the year 1941 or was not in operation during the year 1941, then his annual gross sales volume shall be determined by dividing his total gross sales for the period in operation during 1942, as shown on his records, by the number of weeks in operation during 1942 and multiplying the result by the figure 52.

(5) For the purposes of this order, a retailer shall be considered an independent outlet or member of a chain, as follows:

(i) A retail outlet shall be an independent outlet if it is not a unit of four or more retail outlets under one ownership.

(ii) A retail outlet shall be a member of a chain if it is a unit of four or more retail outlets under one ownership.

(d) All provisions of Temporary Maximum Price Regulations 28 and 29 as amended, remain in full force and effect except as to the prices and specific provisions affecting those prices set out herein.

(e) Each wholesaler of fresh cabbage, carrots, lettuce, peas, spinach and tomatoes, whose maximum prices are affected by this order, shall file with the State Office of the Office of Price Administration, Boise, Idaho, periodic reports

showing the prices paid by him to producers of said commodities and the net landed cost of such commodities at Boise, Idaho. Such periodic reports shall be made upon receipt of each new shipment from producers into Boise, Idaho.

(f) This order supersedes General Orders Nos. 1, 2 and 3 heretofore issued and which have been revoked simultaneously herewith.

(g) This order may be revoked, modified or amended by the Price Administrator, Regional Administrator or State Director of the Office of Price Administration, at any time.

This order shall become effective April 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of April 1943.

C. C. ANDERSON,  
State Director.

[F. R. Doc. 43-12903; Filed, August 9, 1943; 11:25 a. m.]

[Region VII Order G-5 Under SR 14]

FLUID MILK AND CREAM IN SHERIDAN, WYO.

Order No. G-5 under § 1499.73 (a) (1) (iv) of Supplementary Regulation No. 14 to the General Maximum Price Regulation. (Formerly Order No. 5). Order modifying maximum wholesale and retail prices for fluid milk and cream in Sheridan, Wyoming.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administration by § 1499.73 (a) (1) (iv) of the General Maximum Price Regulation, as amended by Amendment No. 34 to Supplementary Regulation No. 14, issued by the Office of Price Administration, *It is hereby ordered:*

(1) *Maximum prices for fluid milk and cream sold at wholesale and retail in Sheridan, Wyoming.* The maximum price of fluid milk and cream sold and delivered at wholesale and retail in the locality set forth below shall be, from and after the effective date of this order, as follows: (a) In Sheridan, Wyoming:

Commodity in bottles	Retail price	Wholesale price
Milk, raw:		
Pint.....	\$2.05	\$2.05
Quart.....	.11	.09
Gallon.....	.09	.05
Coffee cream:		
1/2 pints.....	.11	.09
Quart.....	.44	.35
Whipping cream:		
1/2 pints.....	.17	.15
Quart.....	.63	.53

(2) Definitions: For the purpose of paragraph (a):

(i) "Milk" means cow's milk produced, processed, distributed, and sold in bottles for consumption in fluid form as whole milk.

(ii) "Cream" means a concentrated butterfat to the degree specified taken from milk.

(iii) Sheridan, Wyoming, means all of the area lying within the municipal boundaries of that City and a distance

of fifteen miles beyond at all boundary points.

(3) The sellers affected by this order shall not change their customary allowances, discounts or other price differentials unless such change results in a lower price.

(4) This order may be revoked, modified or amended by the Price Administrator or Regional Administrator at any time.

(5) This order becomes effective October 9, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 8th day of October 1942.

CLEM W. COLLINS,  
Regional Administrator.

[F. R. Doc. 43-12304; Filed, August 9, 1943; 11:23 a. m.]

[Region VII Order G-7 Under SR 14]

FLUID MILK IN LAFAYETTE, COLO.

Order No. G-7 under § 1499.73 (a) (1) (iv) of Supplementary Regulation No. 14 to the General Maximum Price Regulation. (Formerly Order No. 7). Order modifying maximum retail prices for fluid milk in Lafayette, Colorado.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator by § 1499.73 (a) (1) (iv) of the General Maximum Price Regulation, as amended by Amendment No. 34 to Supplementary Regulation No. 14, issued by the Office of Price Administration, *It is hereby ordered:*

(1) *Maximum prices for fluid milk sold at retail in Lafayette, Colorado.* The maximum prices for fluid milk sold and delivered at retail in the locality set forth below shall be, from and after the effective date of this order, as follows:

(a) In Lafayette, Colorado:

Commodity in bottles

	Retail price (cents)
Milk, raw:	
Gallons.....	33
Quarts.....	12
Pints.....	7
1/2 pints.....	3 1/2

(2) Definitions: For the purpose of paragraph (a):

(i) "Milk" means cow's milk produced, processed, distributed and sold in bottles for consumption in fluid form as whole milk.

(ii) "Lafayette, Colorado," means all of the area lying within the municipal boundaries of that city and a distance three miles beyond at all boundary points.

(3) The sellers affected by this order shall not change their customary allowances, discounts or other price differentials unless such change results in a lower price.

(4) This order may be revoked, modified or amended by the Price Administrator or Regional Administrator at any time.

(5) This order becomes effective October 26, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 FR 7871)

Issued this 26th day of October 1942.

CLEM W. COLLINS,  
Regional Administrator.

[F. R. Doc. 43-12905; Filed, August 9, 1943;  
11:27 a. m.]

[Region VII Order G-9 Under SR 14]

#### FLUID MILK IN STERLING, COLO.

Order No. G-9 under § 1499.73 (a) (1) (iv) of Supplementary Regulation No. 14 to the General Maximum Price Regulation. (Formerly Order No. 9.) Order modifying maximum wholesale and retail prices for fluid milk in Sterling, Colorado.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator by § 1499.73 (a) (1) (iv) of the General Maximum Price Regulation, as amended by Amendment No. 34 to Supplementary Regulation No. 14, issued by the Office of Price Administration, *It is hereby ordered:*

(1) *Maximum prices for fluid milk sold at wholesale and retail in Sterling, Colorado.* The maximum prices of fluid milk sold and delivered at wholesale and retail in the locality set forth below shall be, from and after the effective date of this order, as follows:

(a) In Sterling, Colorado:

Commodity in bottles	Retail price	Wholesale price
Milk, raw:		
Quart.....	Cents 12	Cents 10
Pint.....	7	5
Gallon.....	43	38

(2) Definitions: For the purpose of paragraph (a):

(i) "Milk" means cow's milk produced, processed, distributed and sold in bottles for consumption in fluid form as whole milk.

(ii) "Sterling, Colorado," means all of the area lying within the municipal boundaries of that city and a distance of three miles beyond at all boundary points.

(3) The sellers affected by this order shall not change their customary allowances, discounts or other price differentials unless such change results in a lower price.

(4) This order may be revoked, modified or amended by the Price Administrator or Regional Administrator at any time.

(5) This order becomes effective October 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 FR. 7871)

Issued this 22d day of October 1942.

CLEM W. COLLINS,  
Regional Administrator.

[F. R. Doc. 43-12906; Filed, August 9, 1943;  
11:27 a. m.]

[Region VII Order G-10 Under SR 14]

#### FLUID MILK IN NORWOOD, COLO.

Order No. G-10 under § 1499.73 (a) (1) (iv) of Supplementary Regulation No. 14 to the General Maximum Price Regulation. (Formerly Order No. 10.) Order modifying maximum wholesale and retail prices for fluid milk in Norwood, Colorado.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator by § 1499.73 (a) (1) (iv) of the General Maximum Price Regulation, as amended by Amendment No. 34 to Supplementary Regulation No. 14, issued by the Office of Price Administration, *It is hereby ordered:*

(1) *Maximum prices for fluid milk sold at wholesale and retail in Norwood, Colorado.* The maximum prices of fluid milk sold and delivered at wholesale and retail in the locality set forth below shall be, from and after the effective date of this order, as follows:

(a) In the Norwood, Colorado, area:

Commodity in bottles	Grade	Retail price	Wholesale price
Milk, raw: Quart.....	Approved...	Cents 11	Cents 9

(2) Definitions: For the purpose of paragraph (a):

(i) "Milk" means cow's milk produced, processed, distributed and sold in bottles for consumption in fluid form as whole milk.

(ii) "Norwood, Colorado," means all the area lying within the municipal boundaries of that city and a distance of three miles beyond at all boundary points.

(3) The sellers affected by this order shall not change their customary allowances, discounts or other price differentials unless such change results in a lower price.

(4) This order may be revoked, modified or amended by the Price Administrator or Regional Administrator at any time.

(5) This order becomes effective October 26, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 FR. 7871)

Issued this 26th day of October 1942.

CLEM W. COLLINS,  
Regional Administrator.

[F. R. Doc. 43-12907; Filed, August 9, 1943;  
11:27 a. m.]

[Region VII Order G-11 Under SR 14]

#### FLUID MILK IN WINCHESTER, IDAHO

Order No. G-11 under § 1499.73 (a) (1) (iv) of Supplementary Regulation No. 14 to the General Maximum Price Regulation. (Formerly Order No. 11.) Order modifying maximum wholesale and retail prices for fluid milk in Winchester, Idaho.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator by § 1499.73 (a) (1) (iv) of the General Maximum Price Regulation, as amended by Amendment No. 34 to Supplementary Regulation No. 14, issued by the Office of Price Administration, *It is hereby ordered:*

(1) *Maximum prices for fluid milk sold at wholesale and retail in Winchester, Idaho.* The maximum prices of fluid milk sold and delivered at wholesale and retail in the locality set forth below shall be, from and after the effective date of this order, as follows:

(a) In Winchester, Idaho:

Commodity in bottles	Grade	Retail price	Wholesale price
MILK, RAW			
1/2 pints.....	Approved...	\$0.03	\$0.03
Pints.....	do.....	.06	.03
Quarts.....	do.....	.11	.09
Gallons.....	do.....	.30	.33

(2) Definitions: For the purpose of paragraph (a):

(i) "Milk" means cow's milk produced, processed, distributed and sold in bottles for consumption in fluid form as whole milk.

(ii) "Winchester, Idaho," means all of the area lying within the municipal boundaries of that city and a distance of three miles beyond at all boundary points.

(3) The sellers affected by this order shall not change their customary allowances, discounts or other price differentials unless such change results in a lower price.

(4) This order may be revoked, modified or amended by the Price Administrator or Regional Administrator at any time.

(5) This order becomes effective October 29, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 FR. 7871)

Issued this 29th day of October 1942.

CLEM W. COLLINS,  
Regional Administrator.

[F. R. Doc. 43-12908; Filed, August 9, 1943;  
11:28 a. m.]

[Region VII Order G-27 Under 18 (c)]

#### FLUID MILK IN MONTANA

Order No. G-27, issued under § 1499.18 (c) of the General Maximum Price Regulation. Order modifying retail prices for fluid milk sold in half pint containers in the State of Montana.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered,* That the maximum prices for fluid milk sold at retail in half pint glass bottles or paper containers, in the State of Montana, as now established

by the General Maximum Price Regulation or any individual or general adjustment order heretofore issued by this regional office shall be and the same hereby are modified as set forth below.

(a) *Maximum prices for fluid milk sold in half pint bottles or paper containers at retail by purveyors of meals or beverages in the State of Montana.* The maximum prices for fluid milk sold in glass bottles or paper containers at retail by hotels, restaurants, soda fountains, bars, cafes, caterers or any other purveyor of milk as a beverage anywhere in the State of Montana shall, from and after the effective date of this order, be as follows:

6 cents per ½ pint of milk.

(b) *Definitions:* For the purpose of this general order: (1) "Milk" means cow's milk produced, processed or raw, distributed and sold at retail in ½ pint glass bottles or paper containers as whole milk and having a butterfat content of not less than 3.25 percent and being of approved grade and used as a beverage on the seller's premises.

(2) Insofar as the same are not contradictory of or inconsistent with any of the terms and provisions of this Order No. G-27, the definitions and explanations set forth in § 1499.20 of the General Maximum Price Regulation shall apply to and are hereby deemed to be a part of this Order No. G-27 to the same extent as if rewritten herein.

(c) *Higher established maximum prices may be maintained.* Any seller subject to this order who has, under § 1499.2 of the General Maximum Price Regulation or any applicable price regulation supplementary thereto, or under Maximum Price Regulation No. 280 or pursuant to any market agreement or order made or issued under the provisions of the Agricultural Market Agreement Act, as amended, or under any individual or general adjustment order heretofore made and promulgated by this regional office established a maximum price for fluid milk sold in half pint bottles or paper containers to be consumed as a beverage on the premises which is higher than the price established by this order, may continue, to sell at such higher established maximum price and the same shall not be modified or superseded by this order.

(d) *Right to amend or revoke.* This general order may be revoked, modified or amended by the Price Administrator or Regional Administrator at any time.

(e) *Effective date.* This general order becomes effective at 12:01 a. m. on April 5, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of April 1943.

ARNOLD E. SCOTT,  
Acting Regional Administrator.

[F. R. Doc. 43-12899; Filed, August 9, 1943;  
11:25 a. m.]

[Region VII Order G-29 Under 18 (c)]

#### FLUID MILK IN SOUTHERN IDAHO

Order No. G-29, issued under § 1499.18 (c) of the General Maximum Price Reg-

ulation. Order modifying retail prices for fluid milk sold in half pint containers in the southern Idaho area of the State of Idaho.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, it is hereby ordered that the maximum prices for fluid milk sold at retail in half pint glass bottles or paper containers, in the southern Idaho area of the State of Idaho, as now established by the General Maximum Price Regulation or any individual or general adjustment order heretofore issued by this Regional Office shall be, and the same hereby are, modified as set forth below.

(a) *Maximum prices for fluid milk sold in half pint bottles or paper containers at retail by purveyors of meals or beverages in the southern Idaho area of the State of Idaho.* The maximum prices for fluid milk sold in glass bottles or paper containers at retail by hotels, restaurants, soda fountains, bars, cafes, caterers or any other purveyor of milk as a beverage anywhere in the southern Idaho area of the State of Idaho shall, from and after the effective date of this order, be as follows:

6 cents per ½ pint of milk.

(b) *Definitions:* For the purpose of this general order: (1) "Milk" means cow's milk produced, processed or raw, distributed and sold at retail in ½ pint glass bottles or paper containers as whole milk and having a butterfat content of not less than 3.25 per cent and being of approved grade and used as a beverage on the seller's premises.

(2) "Southern Idaho area" means all that area of the State of Idaho which is contained in and constitutes a part of Region VII.

(3) Insofar as the same are not contradictory of or inconsistent with any of the terms and provisions of this Order No. G-29, the definitions and explanations set forth in § 1499.20 of the General Maximum Price Regulation shall apply to and are hereby deemed to be a part of this Order No. G-29 to the same extent as if rewritten herein.

(c) *Higher established maximum prices may be maintained.* Any seller subject to this order who has, under § 1499.2 of the General Maximum Price Regulation or any applicable price regulation supplementary thereto, or under Maximum Price Regulation No. 280 or pursuant to any market agreement or order made or issued under the provisions of the Agricultural Market Agreement Act, as amended, or under any individual or general adjustment order heretofore made and promulgated by this Regional Office established a maximum price for fluid milk sold in half pint bottles or paper containers to be consumed as a beverage on the premises which is higher than the price established by this order, may continue to sell at such higher established maximum price and the same shall not be modified or superseded by this order.

(d) *Right to amend or revoke.* This general order may be revoked, modified or amended by the Price Administrator or Regional Administrator at any time.

(e) *Effective date.* This general order becomes effective at 12:01 a. m. on April 5, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of April 1943.

ARNOLD E. SCOTT,  
Acting Regional Administrator.

[F. R. Doc. 43-12899; Filed, August 9, 1943;  
11:26 a. m.]

[Region VII Order G-35 Under 18 (c)]

#### IMITATION PRESERVES, JAMS AND JELLIES IN REGION VII

Order No. G-35 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of prices for imitation fruit preserves, jams and jellies in Region VII of the Office of Price Administration.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation, the prices for imitation fruit preserves, jams and jellies sold by the manufacturers and packers thereof, or by wholesalers or by retailers anywhere within Region VII of the Office of Price Administration, are hereby modified as set forth below.

(a) *Specific maximum prices for manufacturers and packers.* From and after the effective date of this order the maximum prices to be charged for imitation fruit preserves, jams and jellies sold by the manufacturer or packer thereof to any buyer at any place within Region VII of the Office of Price Administration, shall be as follows:

(1) *Manufacturers' and packers' maximum prices f. o. b. plant for imitation fruit preserves and jams in 15 ounce, 2 pound, 4 pound 8 ounce, and 30 pound kit containers as specified.*

	15 ounces		2 pounds	
	fruit, 25% pectin, 55% sugar	fruit, 25% pectin, 55% sugar	fruit, 25% pectin, 55% sugar	fruit, 25% pectin, 55% sugar
Traefruits, assorted...	Per doz.	Per doz.	Per doz.	Per doz.
Tree and Berry, as- sorted...	\$1.49	\$1.00	\$2.00	\$3.00
Berry, assorted...	1.45	1.05	2.70	3.60
Strawberry...	1.60	2.05	3.00	3.85
Youngberry...	1.60	2.05	3.00	3.85
Blackberry...	1.60	2.05	3.00	3.85
Peach...	1.60	1.65	2.60	3.60
Plum...	1.60	1.65	2.60	3.60
Cherry...	1.60	1.65	2.60	3.60
Black Raspberry...	1.60	2.05	3.00	3.85
Raspberry...	.....	.....	.....	3.85
Boyberry...	.....	.....	.....	3.60
Apricot...	.....	.....	.....	3.60
Pear...	.....	.....	.....	.....
Pineapple...	.....	.....	.....	3.60
Pine-Apple...	.....	.....	.....	3.80
Loganberry...	.....	.....	.....	3.85

	4 lb. 8 oz. glass		30 lb. kit	
	25% fruit, 20% pectin, 55% sugar	30% fruit, 15% pectin, 55% sugar	25% fruit, 20% pectin, 55% sugar	30% fruit, 15% pectin, 55% sugar
Treefruits, assorted.....	Per doz. \$5.65	Per doz. \$7.25	Each	Each
Treo and Berry, as- sorted.....	6.10	7.65		
Berry, assorted.....	6.45			
Strawberry.....	6.80	8.40	\$3.50	\$4.50
Blackberry.....	6.80	8.40	3.30	4.25
Youngberry.....	6.80	8.40	3.30	4.25
Peach.....	6.25	7.85	3.30	4.25
Plum.....	6.25	7.85	3.30	4.25
Cherry.....	6.25	7.85	3.30	4.25
Black raspberry.....	6.50	8.40		
Raspberry.....	6.25	8.40	3.50	4.50
Boysenberry.....	6.35	7.85		
Apricot.....	5.75	7.85		
Pear.....	5.75			
Pineapple.....	6.80	8.40	3.50	4.50
Pine-Cot.....	6.80	8.40		
Loganberry.....	6.80	8.40		

(2) *Manufacturers' and packers' maximum prices f. o. b. plant for imitation fruit jellies:*

Jelly 12½ % fruit juice. 32½ % pectin. 55% sugar:	Per dozen
10 oz. tumblers, assorted.....	\$1.16
13 oz. tumblers, assorted.....	1.40

(b) *Wholesalers' maximum prices for imitation fruit preserves, jams and jellies sold to any buyer.* For each item of fruit preserves, jams and jellies listed in paragraphs (1) and (2) as set forth above, the wholesaler's maximum price to any purchaser or to any class of purchasers shall be his "base price" plus his "permitted increase" (all per dozen or other customary wholesale selling unit).

(1) "Base price" means the wholesaler's maximum price as calculated under § 1499.2 of the General Maximum Price Regulation and using every pricing method provided by § 1499.2 of the General Maximum Price Regulation which may be necessary to establish a base price for any item.

(2) "Permitted increase" means the amount which the wholesaler's supplier is required to report to him under this order. Where there is more than one supplier, the wholesaler shall take as his "permitted increase" the amount reported to him by the supplier who, by the time the wholesaler is establishing his maximum price, has delivered to him the largest total amount of that item from the 1942 pack.

(c) *Retailers' maximum prices for imitation fruit preserves, jams and jellies sold to any purchaser or any class of purchasers.* For each item of imitation fruit preserves, jams and jellies listed in paragraphs (1) and (2) above, the retailer's maximum price to any purchaser or any class of purchasers shall be his "base price" plus his "permitted increase" per item.

(1) "Base price" means the retailer's maximum price as calculated under § 1499.2 of the General Maximum Price Regulation, using for that purpose every pricing method provided by said § 1499.2 of the General Maximum Price Regulation which may be necessary to establish a base price for each item.

(2) "Permitted increase" means the amount which the retailer's supplier is

required to report to him by the terms and provisions of this Order No. G-35. Where there is more than one supplier, the retailer shall take as his permitted increase the amount reported to him by the supplier who, by the time the retailer is establishing his maximum price, had delivered to him the largest total amount of that item from the 1942 pack.

(d) *Information which manufacturers and packers must give their customers.*

(1) In the case of any item of imitation fruit preserves, jams and jellies which is being sold by a manufacturer or packer thereof to a wholesaler or retailer for the first time after the effective date of this order, the manufacturer or packer shall send the wholesaler or retailer (before or at the time of delivery) a written statement which lists for each item included in the sale:

(i) The maximum price of the manufacturer or packer as established under the General Maximum Price Regulation called the "base price."

(ii) The specific maximum price established for the manufacturer or packer by this general order called the "maximum price," and

(iii) The amount of the difference between such "base price" and such "maximum price" called the "manufacturer's or packer's permitted increase." When calculating the "wholesaler's or packer's permitted increase" the packer shall adjust any fraction of a cent to the nearest fractional unit in which the wholesaler or retailer customarily quotes prices for the item.

(e) *Notice from wholesalers to their retail customers.* (1) In the case of any item of imitation fruit preserves, jams and jellies which is being sold by a wholesaler to a retailer for the first time after the wholesaler's maximum price for it has been established under this order, the wholesaler shall calculate the retailer's "permitted increase" for the item by reducing such "permitted increase" to the units in which the commodity is usually sold at retail. When making this calculation the wholesaler shall adjust fractions of ½ cent or more to the next lower cent. Except for the proper insertion, the notice of retailer's "permitted increase" shall read as follows:

(1) Notice of retailer's permitted increases. Your new OPA ceiling price for the different items covered by our invoice of (here insert date of invoice) is your ceiling price as established under General Maximum Price Regulation plus the amount set opposite each retail container item as follows: (Here list one of each of the different container items and state the amount of the permitted increase opposite the same.) OPA requires you to keep this information for examination.

(f) *Less than maximum prices.* Lower prices than those established by this order may be charged, demanded, paid or offered.

(g) *Customary allowances and discounts.* The maximum prices established by this general order for packers, wholesalers and retailers shall be reduced to reflect their respective customary allowances, discounts and other price differentials.

(h) *Transfers of business or stock in trade.* If the business, assets or stock in trade of any packer, wholesaler or retailer are sold or otherwise transferred on or after the effective date of this order and the transferee carries on the business, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no transfer had taken place, and his obligation to keep records sufficient to verify those prices shall be the same. The transferor shall either preserve and make available or turn over to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions contained in this order.

(i) *Evasion.* The price limitations set forth in this order shall not be evaded whether by direct or indirect methods in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to imitation fruit preserves, jams and jellies alone or in connection with any other commodity, or by way of any commission, service, transportation or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise in any manner whatsoever.

(j) *Enforcement.* Any person violating a provision of this order is subject to the criminal penalties, civil enforcement actions and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended.

(k) *Records and reports.* Every manufacturer or packer, and every wholesaler or retailer who makes sales of any imitation fruit preserves, jams and jellies covered by this order, shall safely keep and preserve for examination by any duly authorized representative of the Office of Price Administration, for a period of two years from and after the effective date of this order, all his existing records relating to the price adjustments made by this order, and shall also safely keep and preserve for the same period and for like inspection all records of the sort customarily made by him in his regular course of business from and after the effective date of this order which relate to the prices charged by him for items of imitation fruit preserves, jams or jellies sold after the effective date of this order; and each manufacturer or packer shall within 30 days after the effective date of this order file with this Regional Office of the Office of Price Administration at Denver, Colorado, a statement that he has established for himself the maximum prices specified in this order as his maximum prices for each kind, flavor, brand and container type or size of imitation fruit preserves, jams or jellies which he manufactures and sells. Wholesalers and retailers are not required to file any such statement or to do more than safely keep their pricing and sales records available for inspection as hereinabove specified.

(l) *Applicability.* The provisions of this Order No. G-35 shall be applicable only to that area of the United States contained within Region VII of the Office of Price Administration.

(m) *Applicability of the General Maximum Price Regulation.* Unless contradictory of or inconsistent with the terms and provisions of this Order No. G-35, all of the terms and provisions of the General Maximum Price Regulation, and particularly the definitions set forth in § 1499.20 thereof, shall apply to and be deemed to be a part of this Order No. G-35 to the same extent and with like force and effect as if re-written herein.

(n) *Definitions:* For the purpose of this general order:

(1) "Person" includes an individual, corporation, partnership, association, any other organization, group of persons, local successors or representatives of any of the foregoing, and includes the United States, any of its agencies, any other government or any of its political subdivisions, and any agency of any of the foregoing.

(2) "Manufacturer or packer" means a person who preserves and packs one or more of the products defined in subparagraphs (5) and (6), *infra*, as imitation fruit preserves, jams and jellies. A manufacturer or packer of any kind of imitation fruit preserves, jams and jellies covered by this order shall be a manufacturer or packer when selling any other kind covered by this general order whether manufactured and packed by him or not unless he sells that other kind as a wholesaler or retailer.

(3) "Wholesaler" means any person who purchases imitation fruit preserves, jams and jellies for resale and, without substantially changing their form, resells the same to a purchaser who is not a retailer as defined herein.

(4) "Retailer" means any person who purchases imitation fruit preserves, jams and jellies and who, without substantially changing their form, resells the same to an ultimate consumer other than an industrial, institutional, commercial or military agency user.

(5) "Imitation fruit preserves and jams" means any viscous or semi-solid food substance obtained by concentrating a mixture of fruit, pectin and sugar in which the fruit ingredient is not less than 25% or more than 44%, and the pectin ingredient is not more than 20% or less than 1%, and the sugar ingredient is 55%, all ingredients being measured by weight.

(6) "Imitation fruit jellies" means any viscous or semi-solid food substance obtained by concentrating a mixture of fruit juice or juices, pectin and sugar, in which the fruit juice or juices ingredient is not less than 12½% or more than 44%, and the pectin ingredient is not more than 32½% or less than 1%, and the sugar content is 55%, all ingredients being measured by weight.

(7) "Item" means any kind, style or type of pack, flavor, grade, brand, container type and size.

(o) *Established transportation allowance or differential must be maintained.* Manufacturers or packers and wholesalers of imitation fruit preserves, jams, and jellies who have, prior to the effective date of this order, customarily sold in any area or marketing zone at deliv-

ered prices which were the same as their f. o. b. plant or place of business prices and thereby absorbed the cost of transportation on such delivered sales, or who made delivered sales in any such area or marketing zone upon which said sales they customarily absorbed part of the cost of transportation, shall continue to make delivered sales in such area or marketing zone and absorb all or such part of the transportation cost incident thereto as they customarily heretofore did.

(p) *Right to revoke or amend.* This order may be revoked, modified or amended by the Price Administrator or Regional Administrator at any time.

(q) *Effective date.* This order shall become effective as of 12:01 a. m. on April 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 6th day of April 1943.

ARNOLD E. SCOTT,  
Acting Regional Administrator.

[F. R. Doc. 43-12901; Filed, August 9, 1943;  
11:25 a. m.]

#### LIST OF COMMUNITY CEILING PRICE ORDERS UNDER GENERAL ORDER NO. 51

The following orders under General Order 51 were filed with the Division of the Federal Register on August 7, 1943.

##### REGION I

New Hampshire Order No. 5, Filed 12:03 p. m.  
Springfield Order No. 3, Amendment No. 2, Filed 12:13 p. m.

##### REGION II

Binghamton Order No. 5, Amendment No. 2, Filed 12:11 p. m.  
Syracuse Order No. 1, Amendment No. 1, Filed 12:08 p. m.  
Syracuse Order No. 1, Amendment No. 2, Filed 12:11 p. m.  
Albany Order No. 4, Amendment No. 3, Filed 12:10 p. m.  
Albany Order No. 5, Amendment No. 3, Filed 12:10 p. m.  
Albany Order No. 6, Amendment No. 3, Filed 12:10 p. m.  
Albany Order No. 7, Amendment No. 2, Filed 12:09 p. m.  
Albany Order No. 8, Amendment No. 2, Filed 12:09 p. m.  
Albany Order No. 9, Filed 12:03 p. m.  
Trenton Order No. 3, Amendment No. 4, Filed 11:55 a. m.  
Trenton Order No. 5, Amendment No. 1, Filed 11:55 a. m.  
Trenton Order No. 6, Amendment No. 1, Filed 11:56 a. m.  
Trenton Order No. 4, Amendment No. 2, Filed 11:55 a. m.

##### REGION III

Detroit Order No. 5, Amendment No. 3, Filed 11:54 a. m.  
Columbus Order No. 7, Filed 11:59 a. m.  
Lexington Order No. 6, Amendment No. 1, Filed 11:57 p. m.  
Cincinnati Order No. 4, Amendment No. 1, Filed 12:12 p. m.  
Cincinnati Order No. 3, Amendment No. 5, Filed 12:12 p. m.  
Cincinnati Order No. 5, Amendment No. 1, Filed 12:12 p. m.  
Iron Mountain Order No. 13, Filed 11:53 a. m.

##### REGION IV

Atlanta Order No. 3, Rev., 5 and 6, Amendment 2, Filed 12:13 p. m.  
Atlanta Order No. 7, Filed 12:13 p. m.  
Atlanta Order No. 8, Filed 12:12 p. m.

##### REGION V

Dallas Order No. 5 Filed 11:53 a. m.  
San Antonio Order No. 4, Amendment No. 1, Filed 11:56 a. m.

##### REGION VI

Twin Cities Order No. 5, Filed 12:11 p. m.  
Sioux Falls Order No. 3, Amendment No. 4, Filed 12:11 p. m.  
Springfield Order No. 12, Filed 12:03 p. m.  
Blomarch Order No. 3, Filed 12:07 p. m.  
Blomarch Order No. 2, Filed 12:13 p. m.  
Blomarch Order No. 4, Filed 12:13 p. m.  
Blomarch Order No. 5, Filed 12:07 p. m.

##### REGION VIII

Phoenix Order No. 4, Amendment No. 2, Filed 11:53 a. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,  
Head, Editorial and Reference Section.

[F. R. Doc. 43-12363; Filed, August 10, 1943;  
10:38 a. m.]

#### SECURITIES AND EXCHANGE COMMISSION.

LARSON, HONOHAN & CO. (NOT INC.)

ORDER REVOKING REGISTRATION, EXPELLING FROM MEMBERSHIP IN REGISTERED SECURITIES ASSOCIATION, AND DENYING EFFECTIVENESS OF WITHDRAWAL REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 9th day of August, A. D., 1943.

In the matter of Herbert L. Honohan, doing business as Larson, Honohan & Co. (Not Inc.), 141 West Jackson Boulevard, Chicago, Illinois.

Herbert L. Honohan, doing business as Larson, Honohan & Co. (Not Inc.), registered as a broker and dealer pursuant to section 15 of the Securities Exchange Act of 1934, having filed a notice of withdrawal from registration and having stated that he had ceased to do business as a broker-dealer;

The Commission having by order instituted proceedings pursuant to sections 15 (b) and 15A of the Securities Exchange Act of 1934 to determine whether the registration of the respondent should be revoked; whether or not said respondent should be suspended or expelled from the National Association of Securities Dealers, Inc., a registered securities association; whether the notice of withdrawal from registration filed by said respondent should be permitted to become effective, and, if so, whether it is necessary in the public interest and for the protection of investors to impose terms and conditions thereon;

Hearings having been held after appropriate notice, and the Commission having this day filed its findings and opinion;

It is ordered, on the basis of said findings and opinion, that the registration of



Herbert L. Honohan & Co. (Not Inc.), be Larson, Honohan & Co. (Not Inc.), be and it hereby is revoked; that the said Herbert L. Honohan, doing business as Larson, Honohan & Co. (Not Inc.), be and he hereby is expelled from membership in the National Association of Securities Dealers, Inc., a registered securities association; and that the notice filed by the said Herbert L. Honohan, doing business as Larson, Honohan & Co. (Not Inc.), of withdrawal from registration and that he has ceased to do business as a broker-dealer be and it hereby is denied effectiveness.

By the Commission.

[SEAL] ORVAL L. DuBois,  
*Secretary.*

[F. R. Doc. 43-12955; Filed, August 10, 1943;  
9:59 a. m.]

[File No. 70-767]

**MILWAUKEE LIGHT, HEAT AND TRACTION  
COMPANY AND THE NORTH AMERICAN  
COMPANY**

**NOTICE REGARDING FILING OF JOINT APPLI-  
CATION OR DECLARATION**

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 9th day of August, 1943.

Notice is hereby given that a joint application or declaration (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The North American Company, a registered holding company, and its wholly-owned non-utility subsidiary, Milwaukee Light, Heat & Traction Company.

Notice is further given that an interested party may, not later than August 24, 1943, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter stating the reasons for such request and the nature of his interest, or may request that he

be notified if the Commission should order a hearing thereon. At any time thereafter, said joint declaration or application, as filed or as amended, may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said joint declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Pursuant to a plan of liquidation, Milwaukee Light, Heat & Traction Company proposes to distribute its total assets on the date of such distribution after payment of all existing indebtedness, including accrued taxes or provision therefor, to its sole stockholder, The North American Company.

On receipt of such dividend The North American Company will cancel certificates representing 3,995 shares of the 4,000 shares of the capital stock of Milwaukee Light, Heat & Traction Company now outstanding and held by it, deliver such cancelled certificates to Milwaukee Light, Heat & Traction Company, and transfer the remaining 5 shares to The Milwaukee Electric Railway & Transport Company, an indirect subsidiary of The North American Company and a direct subsidiary of Wisconsin Electric Power Company, in exchange for \$1.

On completion of the above transactions, Milwaukee Light, Heat & Traction Company will have no assets and will remain wholly inactive unless and until its future use should become necessary for the performance of segregated or divisional operations of The Milwaukee Electric Railway & Transport Company.

By the Commission.

[SEAL] ORVAL L. DuBois,  
*Secretary.*

[F. R. Doc. 43-12956; Filed, August 10, 1943;  
9:59 a. m.]

**WAR FOOD ADMINISTRATION.**

**REGIONAL DIRECTORS**

**DELEGATION OF AUTHORITY REGARDING  
SLAUGHTER PERMITS AND QUOTAS**

Pursuant to the power vested in the Director of Food Distribution, the document entitled "Delegation of Authority Regarding Slaughter Permits and Quotas" appearing in the issue of Wednesday, July 14, 1943 (8 F.R. 9339), is amended by deleting the words "Regional Administrators" wherever such words appear in the document and inserting, in lieu thereof, the words "Regional Directors".

Done at Washington, D. C., this 10th day of August 1943.

ROY F. HENDRICKSON,  
*Director of Food Distribution.*

[F. R. Doc. 43-12975; Filed, August 10, 1943;  
11:13 a. m.]

**DESIGNATION OF REGIONAL AREAS**

Pursuant to the power vested in the Director of Food Distribution, the document entitled "Designation of Regional Areas" appearing in the issue of Wednesday, July 7, 1943 (8 F.R. 9315), is amended by deleting the words "Regional Administrator" wherever such words appear in the document and inserting, in lieu thereof, the words "Regional Director".

Done at Washington, D. C., this 10th day of August 1943.

ROY F. HENDRICKSON,  
*Director of Food Distribution.*

[F. R. Doc. 43-12974; Filed, August 10, 1943;  
11:13 a. m.]